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# SMITH COLLEGE STUDIES IN HISTORY

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JOHN SPENCER BASSETT  
SIDNEY BRADSHAW FAY  
EDITORS

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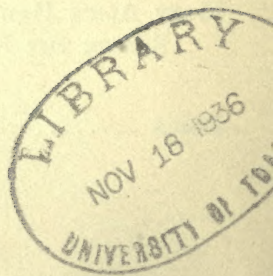
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VOL. II, No. 1

OCTOBER, 1916

# Smith College Studies in History

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JOHN SPENCER BASSETT  
SIDNEY BRADSHAW FAY

*Editors*

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## THE HOHENZOLLERN HOUSEHOLD AND ADMINISTRATION IN THE SIXTEENTH CENTURY

CHAPTERS I-II

*By* SIDNEY BRADSHAW FAY

NORTHAMPTON, MASS.

Published Quarterly by the  
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# The Hohenzollern Household and Administration in the Sixteenth Century

## CHAPTER I

### THE IMPORTANCE OF THE REIGN OF JOACHIM II<sup>1</sup>

#### (1) *Introductory*

Sometimes the reign of a single ruler marks a turning point in the constitutional and administrative history of a country. So it was with the reigns of Henry II, Edward II, and Henry VII in the history of England, or those of Philip IV, Louis

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<sup>1</sup> Bibliographical Note. For convenience of reference I give here at the outset the abbreviations under which the works chiefly used will be cited hereafter:

#### ARCHIVES

Geh. StA.—The Geheime Staatsarchiv in Berlin, Klosterstrasse 76. This central Public Record Office contains the archives of (a) the old Electorate of Brandenburg, (b) the later Province Brandenburg, and (c) the Prussian state.

Hausarchiv.—The Königlich Preussische Hausarchiv in Charlottenburg, Spandauerstrasse 1, where are preserved the Hohenzollern private family papers as distinguished from the state, or public, records.

#### PRINTED SOURCES

Hass—M. Hass, *Die Hofordnung Kurfürst Joachims II von Brandenburg*, Berlin, 1910 (Ebering's *Historische Studien*, Nr. 76). For a further account of this and the following sources, see below ch. ii.

Ho—*Die Politischen Testamente der Hohenzollern*, ed. G. Küntzel and M. Hass, Berlin and Leipzig, 1911 (*Quellensammlung zur Deutschen Geschichte*, ed. E. Brandenburg and G. Seeliger). Contains, pp. 1-40, the Hofordnung of 1537 (1542-6).

Kern—*Deutsche Hofordnungen des 16. und 17. Jahrhunderts*, 2 vols. ed. A. Kern, Berlin, 1905-7 (*Denkmäler der deutschen Kulturgeschichte*, ed. G. Steinhausen).

Mylius—Chr. Otto Mylius, *Corpus Constitutionum Marchicarum*, 6 vols. in folio, Berlin and Halle, 1736 ff. An invaluable, though inaccurate, collection of edicts.

Raumer—G. W. V. Raumer, *Codex diplomaticus Brandenburgensis continuatus*, 2 vols. Berlin, 1831-33.

Publ.—*Publikationen aus den kgl. Preussischen Staatsarchiven*, 88 vols. Leipzig, 1878-1914.

Riedel—A. F. Riedel, *Codex diplomaticus brandenburgensis*, 36 vols. Berlin, 1838-65. In addition, a two-volume chronological index and a three-volume index of names by A. W. Heffter, Berlin, 1867-69. Riedel's work is divided into four main parts (and a supplementary



XI, and Louis XIII in that of France. So also was it, if we may compare small things with great, with the reigns of Albert Achilles (1440-1486), Joachim II (1535-1571) and the Great Elector (1640-1688) in the history of Brandenburg-Prussia. Under Joachim II, in the middle of the sixteenth century, im-

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volume): (a) Local and family history, 25 v., (b) foreign relations, 6 vols., (c) general history of Brandenburg, 3 vols., and (d) chronicles, 1 vol. The first three main parts are commonly cited by the letters A. B. C. followed by the number of volume and page, e. g. "Riedel, A. 1. 1"—Riedel, *Cod. dipl. brandb.*, Hauptteil I, vol. I, p. 1.  
 Ständeakten—Kurmärkische Ständeakten aus der Regierungszeit Kurfürst Joachims II., 2 vols. ed. W. Friedensburg, Leipzig, 1913-16. (Veröffentlichungen des Vereins für Geschichte der Mark Brandenburg).

UA—Urkunden und Aktenstücke zur Geschichte des Kurfürsten Friedrich Wilhelm von Brandenburg, 21 vols. Berlin, 1864-1913.

#### MONOGRAPHS RELATING TO THE INSTITUTIONAL HISTORY OF BRANDENBURG

Hass, Kurmärk. Stände—M. Hass, *Die kurmärkischen Stände im letzten Drittel des sechzehnten Jahrhunderts*, Leipzig, 1913 (Veröffentl. d. Vereins f. Gesch. d. Mark Brandb.). The best book on the Brandenburg Diets.

Hintze—O. Hintze, *Ratstube und Kammergericht in Brandenburg während des 16. Jahrhunderts*, in *Forschungen zur Brandenburgischen und Preussischen Geschichte*, xxiv (1911) 1-84. A skillful polemic against Stölzel.

Hintze, Hofverwaltung—O. Hintze, *Hof- und Landesverwaltung in der Mark Brandenburg unter Joachim II*, in *Hohenzollern-Jahrbuch*, X (1906), richly illustrated; text reprinted with slight alterations in author's *Historische und politische Aufsätze*, II, 3-68, Berlin, 1908.

Holtze—F. Holtze, *Geschichte des Kammergerichts in Brandenburg-Preussen*, 4 vols. Berlin, 1890-1904. A standard work of great value; contains documents.

Isaacsohn—Isaacsohn, *Geschichte des preussischen Beamtentums von Anfang des 15. Jahrhunderts bis auf die Gegenwart*, 3 vols. Berlin, 1874-84. Comes in fact only to the 18th century, but is based on careful researches and contains documents.

Klinkenberg—M. Klinkenberg, *Ratstube und Kanzlei in Brandenburg im 16. Jahrhundert*, in *Forschungen z. Br. u. Pr. Gesch.*, XXVI (1913) 413-428.

Schapper—G. Schapper, *Die Hofordnung von 1470 und die Verwaltung am Berliner Hofe zur Zeit Kurfürst Albrechts*, Leipzig, 1912 (Veröffentl. d. Vereins f. Gesch. d. Mark Brandb.). A detailed and valuable study of Hohenzollern household and administration in the 15th century.

Spangenberg—H. Spangenberg, *Hof- und Zentralverwaltung der Mark Brandenburg im Mittelalter*, Leipzig, 1908 (Veröffentl. d. Vereins f. Gesch. d. Mark Brandb.). Invaluable on origins, but deals mostly with the period prior to Joachim II.

portant changes were taking place in the constitutional, religious, economic, and administrative fields which make his reign deserve a fuller and fairer treatment than it has received from German, not to mention English, historians.

## (2) *Joachim II and the Estates*

From the constitutional point of view Joachim II's reign marks the lowest point to which the authority of the ruler fell at any time since that summer's day in 1412 on which Frederick of Hohenzollern marched from his southern home near Nuremberg to undertake the difficult government of the northern Mark with which his family was ever after to be associated. Under Joachim the Electoral authority touched the nadir in its long conflict with the Estates—a conflict which was not ended until they were virtually crushed as a political factor a century later by the

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Stölzel—Stölzel, *Entwicklung der gelehrten Rechtsprechung*, 2 vols. Berlin, 1901-10). Vol. II, "Billigkeits-und Rechtspflege der Rezeptionszeit in Jülich-Berg, Bayern, Sachsen und Brandenburg," Berlin, 1910, is particularly valuable on legal procedure and the Reception of the Roman Law.

Stölzel, *Rechtsverwaltung*—A. Stölzel, *Brandenburg-Preussens Rechtsverwaltung und Rechtsverfassung dargestellt im Wirken seiner Landesfürsten und obersten Justizbeamten*, 2 vols. Berlin, 1888. Good as a survey and for biographical material.

GENERAL WORKS ON BRANDENBURG-PRUSSIAN HISTORY  
Allg. D. Biog.—*Allgemeine Deutsche Biographie*, 55 vols. Leipzig, 1875-1910. Contains useful brief biographies of Brandenburg rulers and leading officials.

MF—*Märkische Forschungen*, herausg. von dem Verein f. Gesch. d. Mark Brandenburg 20 vols. Berlin, 1841-1888.

FBPG—*Forschungen zur Brandenburgischen und Preussischen Geschichte*, 28 vols. Leipzig, 1888-1915. A continuation of the preceding periodical, and an invaluable medium for scholarly monographs and critical reviews of works on Brandenburg-Prussian history.

Droysen—J. G. Droysen, *Geschichte der Preussischen Politik*, 5 parts in 14 vols. Berlin, 1855-1886 (vols. 1-4, 2nd ed. 1868-72). A gigantic Protestant patriotic political pamphlet, as well as a monument of prodigious historical industry, designed to promote "Prussia's Mission" of uniting Germany under Hohenzollern leadership.

Koser—R. Koser, *Geschichte der Brandenburgischen Politik bis zum Westphälischen Frieden von 1648*, Berlin, 1913. A brilliant outline of Prussian foreign policy, unfortunately left unfinished by the author's death in 1914.

Prutz—H. Prutz, *Preussische Geschichte*, 4 vols. Stuttgart, 1899-1902. Scholarly and critical; the best general history of Prussia.



absolutistic administration of the Great Elector and by the financial necessities of his newly created standing army.

Joachim II's predecessors in the fifteenth century had managed in large part to build up the electoral authority by reducing the robber barons of the Mark Brandenburg and by suppressing the powerful town-leagues which were inclined to defy the rule of the prince. Feudal wars and disorders were largely put down. But while his predecessors had freed themselves from the military domination of the nobles, Joachim II fell under their financial control. For his domain revenues, which would have been inadequate in any case for the increasing financial demands of a sixteenth-century prince, were speedily dissipated by his own excessive generosity, his spendthrift passion for costly building and display, and his neglect of attention to business. He quickly came to the verge of bankruptcy and had to appeal to the nobles and towns to help him out of his distress.

The nobles, meanwhile, deprived of feudal warfare as a pastime, had turned from fighting as a profession to farming. They beat their swords into plough-shares—though the ploughs were not guided by their own noble hands, but by those of their peasants, upon whom increasing burdens were being loaded. By the time of Joachim II these nobles had succeeded in building up for themselves the great patrimonial landed estates (*Gutsherrschaften*) which have in large part lasted until the present day and which have been one of the strongholds of Prussian militarism.<sup>2</sup>

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<sup>2</sup> It must be remembered that in German agrarian history the development east of the Elbe, in the lands "colonised" by Germans in the 13th and 14th centuries, was altogether different from that in the rest of Germany. For excellent general accounts of the contrast between these great *produce*-yielding estates of the cultivating lords to the east of the Elbe (*Gutsherrschaften*) and the *rent*-yielding estates of landlords in the south and west of Germany (*Grundherrschaften*) see G. v. Below, *Territorium und Stadt* (Leipzig, 1900) 1-96; and T. Knapp, *Gesammelte Beiträge zur Rechts- und Wirtschaftsgeschichte* (Tübingen, 1902) 348-388 (reprinted from *Zeitschrift d. Savigny-Stiftung*, XIX (1898) 16-51. Monographs on special regions are noted in Dahlmann-Waitz, *Quellenkunde der Deutschen Geschichte* (8th ed., Leipzig, 1912) nos. 2173-2275. For Brandenburg in the 16th century good accounts are: F. Grossmann, "Über die gutsherrlich-bäuerlichen Rechtsverhältnisse in der Mark Brandenburg vom 16. bis 19. Jahrhundert" in Schmoller's *Forschungen*, IX



Under Joachim II they were extending these great estates by expropriating their helpless peasant tenants<sup>3</sup> and they were seizing for their own exclusive use woodlands in which the peasant had formerly been free, by medieval custom, to hunt, to fish, to gather fire-wood, and to turn out swine to fatten upon the acorns or grub among the roots.<sup>4</sup> They wanted to extend their acres because they had begun to grasp what large profits were to be made by exporting their grain, wine, lumber and other produce down the Elbe to Hamburg or elsewhere. This export trade had formerly been exclusively in the hands of the burghers as one of the usual medieval privileges of the towns. But during the sixteenth century these growing, grasping Brandenburg nobles had managed to extort from the weak Electors a series of edicts which reversed the situation: the nobles instead of the burghers came

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(1890), heft 4; W. Schotte, *Fürstentum und Stände in der Mark Brandenburg unter der Regierung Joachims I* (Leipzig, 1911) 19-69; Hass, *Kurmärk. Stände*, 135-171. Problems connected with the earlier development are discussed by A. Ernst, "Zur Entstehung der Gutsherrschaft in Brandenburg," in FBPG, XXII (1909) 493-520.

<sup>3</sup> This right to expropriate their peasant tenants was virtually conceded to the nobles in March, 1540. The nobles of the Altmark had demanded confirmation by the Elector of what they asserted (with doubtful truth) had always been an old custom, "das sie nach irer gelegenheit zu zeiten haben etzlich bauren ausgekofft und den acker zu sich gebracht;" to which the assent of the Elector was jotted on the margin of the paper: "Solchs sal nachgeben werden, das ain pauer allaine mocht ausgekauft werden and im (ihm) sein gut nach widerung (be-) zalt werden" (*Ständeakten*, I, 94, and note 3). A few days later in a general confirmation for the whole Electorate Joachim conceded to all the nobles the right of expropriation, provided they themselves wanted to occupy the land, and provided the peasant was paid the estimated value of his tenement: "pauern auszukaufen soll inen (dem Adel) furo an auch freistehen, do sie der ausgekauften paur gutter selbst wolten bewohnen; doch, das sie den pauren so sie auskaufen wollen, ire gutter nach widerung, wess sie gelten mochten, entrichten und bezalen" (*ibid*, I, 101, 26; 17 Mar. 1540). For the right to expropriate "contumacious" peasants see below, note 70.

<sup>4</sup> Occasionally the towns—when it was for their own self-interest—championed the cause of the peasants against the oppression of the nobles. For instance, they begged the Elector (*Ständeakten*, I, 437, § 26; 17 Aug. 1549) to stop the nobles from forbidding their peasants to cut fire-wood and make charcoal and sell it in the towns. The towns wanted the peasants to be free to do this, for it naturally lowered the cost of fuel for the burghers.

to have the exclusive enjoyment of the export trade in grain. They gained thereby a great advantage in agrarian competition with burghers and peasants. The towns cried out loudly against this, somewhat inconsistently urging at one moment that they also ought to enjoy the freedom to export, and objecting at the next moment that no exportation at all should be allowed, since it made grain scarce and prices high in the Electorate. On 23 April, 1542, the towns begged that in the fall and early winter the export be forbidden to everyone; but that in the spring after Candlemas (Feb. 2) if the price was not high, the export should be freely open, not only to nobles, but also to all burghers regularly resident in the towns. But with the selfish economic class-spirit of the age, they insisted that to foreigners, "other loose fellows," and peasants, who are not included in this privilege, the export of grain should always be absolutely prohibited.<sup>5</sup>

Importuned on one side by the towns, and on the other by the nobles, the Elector vacillated somewhat in his tariff policy. He had no strong personal interest in favor of either side, and he had not worked out any definite economic principles. His decisions were determined rather by his view of the relative financial importance of the two conflicting parties and of their readiness to help him out of his debts. In general he inclined to favor the nobles. The arrangement adopted in 1536 soon after his accession was that no one at all was allowed to export any grain by water or by land ("on the axle") in the fall and winter between St. Lawrence's Day (Aug. 10) and Candlemas (Feb. 2). After Candlemas exportation was permitted to nobles, provided the price in Brandenburg was not high. But they must not buy

<sup>5</sup> Bitten, die schiffung im herbst genzlich zu verbieten, aber im frueing nach purificationis Marie, wo sich sonst kein theurunge anlest,—das es den prelaten, vom adel, und den von stedten, so besessene burger, freistehe; doch das die frembden, auch sonst ledige gesellen, darzu die paurn ufm lande, hirein nicht gezogen, sonder inen solchs verboten" (*Ständeakten*, I, 206-207). Usually, however, they wanted it forbidden to everybody: e. g. 12 Jan. 1552, "Bitten die ausfür des korn disz jar zu stopfen (*ibid.*, II, 28); 24 Aug. 1562: "im lande teurung. . . so bitten. . . die ausfür des korns zu wasser und zu lande bis auf Pfingsten zu vorbiethen" (*ibid.* II, 150). The towns wished the export of lumber also to be totally prohibited (*ibid.* I, 434).



up from the peasants or towns until after Candlemas any grain for export, lest such purchasing should lead to a rapid enhancing of the price. On grain grown on their own estates they paid no tolls.<sup>6</sup> In 1540, however, when the nobles agreed to assume about two-thirds of his debts and the towns the other third, Joachim II allowed the nobles to export grain grown on their own estates at any time of the year, provided the price was not high at home. The question whether it was high or not was to be settled by consultation between him and a committee of the Estates. With the nobles were always included the "prelates," that is, the bishops, deans, and canons of the three Electoral dioceses of Havelberg, Lebus, and Brandenburg.<sup>7</sup>

Thus, when Joachim II appealed to the Brandenburg Estates (i. e. Diet) to save him from bankruptcy, these prosperous nobles were even better able than the towns to come to his assistance with considerable grants of money. The Estates consented to become responsible for their prince's debts, but they sold their consent at a high political price. They compelled him to assent to the establishment of a financial administration (*Ständisches Creditwerk*) under the exclusive control of a committee of the Diet. The Diet's agents took the place of the Elector's officials in collecting taxes and paying the Elector's creditors. Henceforth, until the changes of the Great Elector's time, there was a dual financial administration in Brandenburg; most of the taxes and the debt were under the control of the Diet; to the Elector was left only the domain revenues and such grants of money as the Diet saw fit to make to him. The nobles and towns who composed the Diet were not slow to perceive that "redress of grievances" might be made to precede "grants of supply." At

<sup>6</sup> *Ständeakten*, I, 38, §§ 17-18 (10 Aug. 1536); *ibid.*, I, 52, §§ 16-17; 57, § 35 (29 Sept. 1538).

<sup>7</sup> "Der ausfur halber des getreids wollen wir, das zu jeder zeit denen von prelaten, probsten und den dreien capiteln, nemlich Havelberg, Lubus, Brandenburg, und von der ritterschaft ir aigen gewachsen getreid und pachtkorn, so viel sie des uber ire notturft haben werden, zu wasser und lande auszufuren gestattet werden solle, es fiele dan die teurung vor, das wir mit raht des ausschusses befunden die schiffart zu stopfen" (*ibid.* I, 99, § 12; 17 Mar. 1540); cf. also *ibid.* II, 65; 15 Jan. 1554.



each meeting of the Diet, or its committee, he was forced by the nobles and towns to confirm or extend their special selfish class privileges, as well as their increasing domination over himself and his administration.<sup>8</sup> Many of these class privileges, by which the burgher aristocracy in the towns and the Junker aristocracy in the open country were also obtaining for their own selfish advantages the political and economic control over wage-earners and peasants, are to be found in the so-called Police Ordinances which were issued by the Elector at the insistence of the Estates.<sup>9</sup>

The fact was, as the Elector several times mournfully had to admit to the Estates, he "could not make his income meet his expenses." Particularly in his later years, when his gray hairs were bringing his thoughts more frequently toward the grave, in his appeals to the Diet to help him out of his debts, he called the Estates to witness that he "had restricted his Household and other expenses much more closely and economically than befitted his pre-eminence and dignity as an Elector of the Holy Roman

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<sup>8</sup> See the Grievances (*Beschwerdeartikel*) of the Nobility (*Prelaten, Herren, und Ritter*) in *Ständeakten*, I, 103-104 (Mar. 1540); 107-109 (May, 1540); 139-143 (3 Oct. 1540); 189-194 (1542); 298-308 (1547-8); 385-389 (29 June 1549); 453-4 (Aug. 1549); 684-7 (12 May 1550); 800-805 (9 Oct. 1550); II, 348-350 (Nov. 1564); 455-8 (19 Jan. 1565).

Grievances of the towns: *ibid.*, I, 206-210 (23 Apr. 1542); 343-347 (29 Apr. 1549); 379-382 (28 June 1549); 395-431 (July 1549); 431-441 (17 Aug. 1549); 591-594 (18 Mar. 1550); 697-703 (5 June 1550); 721-2 (1 July 1550); II, 5-8 (5 Apr. 1551); 28-30 (12 Jan. 1552); 52-54 (23 Nov. 1553); 70-79 (19 Feb. 1555); 248-252 (25 Sept. 1562); 387 (Nov. 1564); 609-617 (5 June 1569).

Redress of grievances and confirmation of privileges by Joachim II: *ibid.* I, 31-40 (10 Aug. 1536); 47-58 (29 Sept. 1538); 81-85 (14 Mar. 1540); 85-102 (17 Mar. 1540); 144-155 (1 Nov. 1540); 385-389 (29 June 1549); 454-8 (Aug. 1549); 502-9 (2 Oct. 1549); 509-522 (4 Oct. 1549); 722-735 (1 July 1550); 800-805 (9 Oct. 1550); 809-815 (14 Oct. 1550); II, 65-67 (15 Jan. 1554); 351-353 (11 Nov. 1564). From the dates it will be seen that the Estates obtained most of their power during the first half of Joachim II's reign, especially at the great Diets in 1540 and 1550. I have given a detailed list of grievances and their redress because there is only the very briefest table of contents in the *Ständeakten* and the index of subjects is so incomplete as to be of little value.

<sup>9</sup> "Polizeiordnungen," in *Ständeakten*, I, 78-81 (22 Mar. 1540); 481-488 (14 Sept. 1549); 824-836 (7 Oct. 1550); 838-843 (2 Nov. 1551).

Empire."<sup>10</sup> He reminded them that he had kept the peace and avoided the extra cost of wars, that he had not brought shame into their homes, nor wasted his substance in gambling and riotous living, but still he had been compelled to borrow money and so fall into debt.<sup>11</sup> Therefore he begged their financial assistance.

Through their control of the purse the Estates were able to assume for themselves a control over a field which had always been regarded as peculiarly within the competence of the prince himself, namely, the direction of foreign relations. As early as 1540 Joachim II was compelled to promise "not to undertake or conclude any weighty matter touching the weal or woe of the land, or to enter into any alliance, without the previous knowledge and advice of the Estates."<sup>12</sup> At the same time he acknowledged to the Estates their full right over taxation, and registered his own financial abdication, by pledging that "henceforth he would not burden the land with any sort of taxation, except on the three customary exceptional occasions as agreed by his predecessors, namely, a striking military defeat to us or ours (which God forbid!), a war undertaken with the advice of the Estates, or the marriage of one of the daughters of our family," for whom a dowry was provided by a small special tax (*Fräuleinsteuer*). Even in these three cases the Elector would act only with the advice and consent of the Estates.<sup>13</sup> This pledge was not altogether an innovation in 1540. It had been made originally by Albert Achilles in 1472 at the time of the grant of the Old Beer

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<sup>10</sup> "Gemeine landstende werden s. chf. g. selbst zeugnus geben, dass s. chf. g. sich diese jar her mit irer hoffhaltung und sonsten viel enger and neherlicher eingezogen dan s. chf. g. als einem churfursten des heiligen reichs irer chf. g. preeminenz und hoheit halben woll geeigent und geburet hett" (*Ständeakten*, II, 334; 3 Nov. 1564).

<sup>11</sup> "S. churf. g. weren nuhemer ein sechzigjegeriger, gingen teglich auf der gruben. . . . hetten unsere weiber nicht geschendet, das unser nicht genommen, und uns in friden erhalten. So hetten sie auch das ire nicht verhuert noch verspilet, sondern weren in schulden geraten. . . ." etc. (*Ständeakten*, II, 429; 22 Dec. 1564).

<sup>12</sup> *Ständeakten*, I, 97, §§ 2-3; 17 Mar. 1540.

<sup>13</sup> *Ibid.*, I, 100, § 19; reaffirmed, 11 Nov. 1564, *ibid.*, II, 352.



Tax,<sup>14</sup> and had been renewed by Joachim I,<sup>15</sup> but it did not reach its full significance until Joachim II's reign. Under him the Estates had a permanent financial committee and the necessary machinery for compelling the Elector to observe his pledge.

In the following years the successive diets investigated and criticised repeatedly what they regarded as Joachim II's excessive salaries and gifts to the officials of his household. They mentioned particularly the "doctors," i. e., the university trained Roman lawyers, who to some extent were supplanting the ignorant ("ungelehrte") country nobles, clergy, and burghers as the Elector's advisors.<sup>16</sup> They drew reproachful and unflattering comparisons between Joachim II's lax administration and the business-like ways of his father<sup>17</sup> and of his brother, Markgraf Hans of the Neumark. The latter Joachim II was advised either to imitate in economical ways, or to employ as an assistant administrator in Brandenburg.<sup>18</sup> They begged him to stop throwing away his money on experiments in alchemy, which according to common report "cost much money"; the kind of alchemy which he ought to practice was the proper administration of his domain and secularized lands.<sup>19</sup> They did not hesitate to lecture

<sup>14</sup> Riedel, C, 2, p. 62; reaffirmed, in 1473, *ibid.*, 82.

<sup>15</sup> In 1524 (Mylius, VI, i, no. 12); and in 1534 (*ibid.*, no. 17).

<sup>16</sup> Cf., for instance, the "Verzeichnus was kf. g. . . fur rethe und edelleut besoldungen am hoff und uffm land,—auch gemeinen hoffgesinde. . . bezahlt hat" (*Ständeakten*, I, 187; Mar. 1541). Cf. also list of "guttgelder" and salaries (1569-70), II, 780-782. Typical are requests to the Elector like the following, "das uber den hoff gute ordenung muge gemacht werden. Die grossen besoldungen der diner abzuschaffen" (*ibid.* I, 298; 1547-48); "Klaren schultregister uns zuzustellen. . . . Die hohen dinstgelde and umbschleger abzuschaffen, darmit iren chf. g. desto stadlicher underhalt bleibe. Das auch die unnötigen doctores sampt dem unnötigen dinstgelde in stetten abgeschafft" (*ibid.* II, 456-7; 19 Jan. 1565).

<sup>17</sup> "Der alte kurfurst 33 jar regirt, städtlichen hoff gehalten, reichstage besucht, hat wochenrechnung genohmen, futtermittel gelesen, shrecken gemacht, rechnung genohmen: jetzo" etc. (*ibid.* I, 345; 29 Apr. 1549).

<sup>18</sup> *Ibid.*, 344: "Item das unnötige gesinde vom hof zu thun, sicut marchio Hans facit. . . . Ideo sollten hiezu marggraff Hansen brauchen."

<sup>19</sup> "Geldspildung durch die alchimei durch verfuering; und gemeine man redt, es koste viel geldes, sed pater odiit hoc. . . . Bit von verderblichen handel abezustehen, sed uf alchimei des landes zu gedenken als ambte, kloster etc." (*ibid.* I, 722; 1 July 1550).



him for his expenditures and for his excessive fondness for the chase, which led him frequently to abandon affairs of state for the pursuit of the boar and the deer. "We all beg that Your Grace will not lie around in the woods all the time . . . but give attention in person to your officials and your subjects."<sup>20</sup> To which Joachim II wrathfully replied, that the criticisms of him were due to the gossip of trouble-makers and quarrelsome people; that he was not aware that he was paying his officials any more than his father had done; that nowadays, to be sure, it was not perhaps always possible to get servants as cheaply as formerly; that he would be very glad if any of his critics would serve him for nothing, or find others who could do so; "and, as for his hunting and his constantly lying around in the woods, His Electoral Grace is not aware that he has gone hunting except at suitable times, or that he is constantly lying in the woods, as he is charged in the grievances; for he has not been in the woods for four weeks, and he has not done so every day at other times." "And," he added indignantly, "if I could not have this diversion after the great trouble and care of government, I would much rather be a lesser person or in another job."<sup>21</sup> Doubtless it would have been better for the administration of Brandenburg had he abdicated, and devoted all his time to the joys of the chase. Certainly the Estates thought so, for a few years later it was seriously proposed to him "that he hand over the whole administration of the Household and the domains to his son, as governor. For the Estates are of the opinion that unless this is done, the further making of debts can be avoided only with difficulty, if at all." To soften the bluntness of the proposal they added that it would "spare him labor and pains in

<sup>20</sup> *Ibid.*, I, 143.

<sup>21</sup> "Von wegen der jagt und stettigen holzliegen weiss ir chf. g. nit das sie ausserhalb beqwemer zeit sich der jagt braucht oder verhielt, auch nit, wie im artickel angezogen, stettigs im holz liegen, dann je ir chf. g. in vier wochen itzo nie ins holz kommen, zu dem daz es sonst auch nicht teglich beschicht. . . . Und so dann ir chf. g. uber di grosse muhe und sorg der regierung solch ergetzlichkeit nit haben solt, wolt ir chf. g. auch vil lieber ein geringere person oder in anderm beruf sein" (*ibid.* I, 151; 1 Nov. 1540).

his old age, which his son, who was diligent and painstaking in such matters, could better bear.”<sup>22</sup> Two months later the nobles again urged Joachim to “give the supervision of the Household and domains to John George [his son], to appoint true and diligent officials who would not cheat the Elector, . . . and to have two of the nobles assist the young prince in auditing the domain revenues—for your Electoral Grace is now so weighted down with heavy old age.”<sup>23</sup> To such a point had the authority of the prince been abased and that of the Estates exalted! That is why Joachim II’s reign may be regarded as a turning-point in the constitutional history of Brandenburg, comparable in some respects to that of John or Edward II in English history. Unfortunately, as far as efficiency in administration was concerned, the Estates did not press their proposal to its logical conclusion and depose Joachim II, when he declined to retire voluntarily. But that all their criticisms were by no means beside the mark is evidenced by the financial débâcle at his death. In fact nothing that they had said was half so severe in criticism of him as the denunciation of his loose methods and dishonest councillors and creditors in which his son, John George, castigated his father’s mismanagement of the Hohenzollern patrimony.<sup>24</sup>

### (3) *Joachim II and the Lutheran Reformation*

In the matter of religion, Joachim’s attitude was fraught with momentous consequences for the government of Brandenburg and for his own personal reputation. Face to face with the irrepressible conflict between Lutheranism and Roman Catholicism, he attempted to stand with a conciliatory foot in each camp, and be at peace with all men. Because of his policy of compromise and neutrality, he has been too often misjudged by his contemporaries and by later historians. By Roman Catholic writers he has been branded as “atheus, scortator, adulter,”<sup>25</sup> because he

<sup>22</sup> Memorial of Thomas Matthias, 1 Nov. 1564; *ibid.*, II, 321.

<sup>23</sup> *Ibid.*, II, 456-457; 15 Jan. 1565.

<sup>24</sup> *Ständeakten*, II, 617-623 (1571).

<sup>25</sup> Cf. F. Holtze, “Zur Geschichte der märkischen Reformation,” in FBPG, II (1889) 402.

made no pious filial effort to carry out his father's last wish of saving Brandenburg for the true faith. These writers, however, do not undertake to show how Joachim could have succeeded in so doing, in the face of the almost unanimous opposition of his determined Lutheran subjects.<sup>26</sup> Protestant writers, on the other hand, find fault with him for his canine fidelity to the House of Hapsburg and for his refusal to take a more definite and active stand in defence of Lutheranism when it was attacked by the Emperor and his treacherous ally, Maurice of Saxony. These writers cannot forgive Joachim for his neutrality in the Schmalkald War, nor for the eagerness with which he negotiated with the Catholics to find a compromise statement which would bring Catholics and Protestants peacefully back into a harmonious fold. They have therefore sarcastically dubbed him "Fat Old Interim," in reference to his share in drawing up and urging the adoption of the attempted basis of reconciliation known as the "Augsburg Interim." Joachim II's attempt to be neutral in the religious conflict merely affords another example of the truth of Machiavelli's sage dictum: that a Prince who takes one side or the other is more respected than he who remains neutral; for when the conflict is over, he who wins does not want doubtful friends, and he who loses will hate you because you did not court his own fate.<sup>27</sup>

But if Joachim II's religious moves are carefully examined, step by step, it will be found that they were all shrewdly dictated by political motives which were designed to advance him in his great ambition for the territorial aggrandizement of his family. Some of these designs, such as his aspirations for Courland, the Archbishopric of Riga, a Polish senatorship, and even the Polish

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<sup>26</sup> The mere rumor in 1550 that papistical masses were being celebrated was enough to rouse the Estates: "Bitten. . . . das die Papistischen messe und andere ergerliche greuel und missbreuche. . . . abgeschafft werden," *Ständeakten*, I, 433; 17 Aug. 1549). "Bitten abzuwenden, ut im stifte Brandenburgk er Funck eine papisthe messe gehalten, quod est abominatio" (*ibid.*, I, 722; 1 July 1550).

<sup>27</sup> *Il Principe*, ch. xxi.



crown itself,<sup>28</sup> failed completely. But others, such as his acquisition of the right of succession to the Bishoprics of Magdeburg and Halberstadt, to the great secularized Duchy of Prussia, and to the Silesian districts of Liegnitz, were crowned with a success which went far toward building up the Hohenzollern state in North Germany two or three generations later. Such services deserve due recognition, though they scarcely justify for him the title, "Hector," repeated by a modern patriotic biographer,<sup>29</sup> which was bestowed upon him according to the pedantry of that humanistic age, which loved to call his three immediate predecessors Albert "Achilles," John "Cicero," and Joachim "Nestor," and which with somewhat more real appropriateness named his ambitious, adventurous cousin, Albert "Alcibiades."<sup>30</sup>

Though it is true that Joachim was inclined to subordinate religion to politics, it would be unjust to him to imply that he had no religious convictions. That he had such, particularly in his later years—when the victory for Lutheranism had been won—is clear from the care with which he drew up religious ordinances, and also from a remarkable religious session in his new church at Berlin in 1563, at which he presided and did most of the talking. In that year he had fallen sick on a journey to Frankfort to take part in the election of a King of the Romans. On returning to Berlin, with his thoughts still brooding on the uncertainty of this mortal life, he wished to hold a service of praise

<sup>28</sup> Cf. F. Holtze, *op. cit.*, in FBPG, II (1889) 395-406; P. Karge, *Kurbrandenburg und Polen, 1548-1563*, *ibid.* XI (1898) 103-173. R. Koser, *Geschichte der brandenburgischen Politik bis zum westphälischen Frieden von 1648* (Berlin, 1913) 229-277.

<sup>29</sup> Th. Hirsch, *Allg. D. Biog.*, XIV, 78-9.

<sup>30</sup> Frederick the Great made the dry comment: "Joachim Ier, surnommé Nestor. Il reçut le surnom de Nestor, comme Louis XIV celui de Juste, c'est-à-dire sans que l'on en pénétre la raison." Ignorant of Joachim II's classical name, as of much else about his ancestry, but conscious of his own inaccessibility to flattery, he continues sardonically, "Il paraît qu'on revint, du temps de Joachim II, de l'abus de donner des surnoms aux princes; celui de son père avait si mal réussi, qu'il était devenu plutôt un sobriquet qu'une illustration. La flatterie des courtisans, qui avait épuisé les comparaisons de l'antiquité, se retourna sans doute d'un autre côté; et il faut croire que l'amour-propre des princes n'y perdit rien." *Oeuvres de Frédéric le Grand* (Berlin, 1846) I, 15-16.

and thanksgiving, and to make again a public confession of faith.<sup>31</sup> On this occasion he recalled how, as a boy of thirteen, when returning with his father from a meeting of the Reichstag in 1519, he happened to hear Luther, who made a tremendous impression on him. From that moment, he said, he began to have a great desire to learn more of the teachings of the Wittenberg reformer, whom he praised as "the German Prophet." He went on to expound with much zeal and many apt Biblical quotations Luther's doctrines of Justification by Faith, the Real Presence of Christ in the Sacrament, and the Communion with both the Wine and the Bread. Finally, after some singing of Psalms, and readings from the Scriptures and from his own religious edicts, he began to lecture one of his ministers, George Buchholtzer. He charged him with teaching "the necessity of good works," and a Philippist (Calvinistic) doctrine of the sacrament, at variance with the Brandenburg Confession of Faith, which Joachim II himself had issued in 1540. He blamed Buchholtzer also for attacking and insulting his other orthodox Lutheran ministers. Buchholtzer finally interrupted the Elector, to defend himself against these charges. The result was that the latter part of the long religious service, which began at half-past eight in the morning and lasted till one, closed in a sharp dialogue between Buchholtzer and the Elector. It was at last cut short, according to the reporter, in the following fashion: "The Elector [addressing Buchholtzer]: 'You have heard me. There is a saying: *contra verbosum noli contendere verbis!* You're a babbler, an old fool, and an idiot. There is no health in you. Everything is lost on you.' And he blessed Buchholtzer with the words: 'I commend myself to God, and you, Herr George, to the Devil.' At which some of the congregation responded, 'Amen!' Whereupon the Elector said, 'I will go and eat; it is better for me than doing good works from necessity'."<sup>32</sup>

<sup>31</sup> A most interesting and picturesque account of this occasion, in the words of a deacon who was present and took notes, has been published by P. Steinmüller, "Das Bekenntnis Joachim's II," in FBPG, XVII (1904) 237-246.

<sup>32</sup> *Ibid.*, 246.

In the first years of his reign, however, when the Lutheran cause was still in a critical position, if Joachim II had the Lutheran convictions which he asserted so vigorously in 1563, he did not at any rate express them openly. Perhaps they were not really so strong then, as they seemed to him in retrospect twenty-five years later. To his contemporaries in 1535, he still passed for a Roman Catholic and he was in political alliance with Catholic princes. Precisely what his religious attitude was, at his father's death in that year, it is difficult to say, for he has passed under various religious influences since childhood. Born in 1505, he had been educated at first in unquestioned Roman Catholicism. One of his Franconian relatives was High Master of the Teutonic Order in Prussia. An uncle was Albert, the Cardinal-Archbishop of Mainz, who often visited Berlin. Joachim himself has described how he used to sit between the Archbishop's knees at these visits, and learn from him how to sing the Latin chants, the words of which he was still too young to understand.<sup>33</sup> For thirty years thereafter, Albert continued to have a good deal of influence over his nephew. He was that Archbishop of Mainz who had sent out Tetzels with the Indulgences, which started Luther in his stinging attacks against the abuses of the Roman Church in Germany. Joachim was certainly impressed by Luther and shared with him, as did so many German princes and nobles, the general indignation at the papal practices. When his father, Joachim I, took a decided stand against Luther at the Diet of Worms, young Joachim showed his Lutheran leanings by securing from his father the promise that he would not proceed against Luther's adherents in Brandenburg without the consent of the Estates.<sup>34</sup> But in spite of this promise, Joachim I a few weeks later re-enacted the Edict of Worms for Brandenburg, and threatened the severest penalties to any of his subjects who should infringe it. Thenceforth Joachim I's chief purpose in life was to check the rising flood of Lutheranism in Brandenburg.

<sup>33</sup> *Ibid.*, 239.

<sup>34</sup> Letter of the Electoral Prince Joachim to the High Master of the Teutonic Knights, 29 July 1524, *Publ. aus den Preuss. Staatsarchiven*, vol. 61, p. 181.



He had conceived a bitter personal hatred for Luther and believed his subversive teachings to be directly responsible for the great Peasant Revolt of 1524-25. In order to create for his son a bond which should hold him to the Catholic faith, he chose for him a Catholic wife, Magdalena, the daughter of Duke George of Saxony. Duke George was the man who presided at the Disputation of Leipzig, and who cried out, at Luther's admission that the Hussite opinions were not all wrong, "God help us, the pestilence." He remained ever after one of Luther's most determined opponents. Prince Joachim and Magdalena were married at Dresden in November, 1524, and shortly afterwards, in the midst of the Peasant Revolt, their two fathers signed an alliance for maintaining the old faith. This was soon joined by some of the other Catholic rulers of North Germany. After this young Joachim appears to have acquiesced in his father's attempt to check Catholicism. In 1530 he himself helped put down with a heavy hand a Lutheran outbreak at Stendal, which had begun with singing Lutheran hymns in the church, but which ended with an assault on the monks and the breaking of windows belonging to the clergy. But all the efforts of Joachim I could not prevent the spread and acceptance of the Lutheran doctrines in Brandenburg. Even in the bosom of his own family the heresy made its appearance. His own wife, Elizabeth, a Danish princess, turned Lutheran in 1527. The threats of her husband that he would have her brought to trial for heresy, or imprison her for life, so frightened her that she fled one night from Berlin to Saxony. Here she found refuge and protection with the Elector of Saxony, and even had the joy of being a guest for a few weeks in Luther's own home. But she did not set foot again in Brandenburg for eighteen years. After her husband's death, she had to endure the bitter fact that her own son, Joachim II, would not allow her to return, for fear that in so doing he might give offense to the Emperor and the other Catholic rulers.<sup>35</sup>

<sup>35</sup> P. Steinmüller, *Einführung der Reformation in die Kurmark Brandenburg durch Joachim II*, Halle, 1903 (*Schriften des Vereins f. Reformationsgeschichte*, No. 76) pp. 34-35.

Prince Joachim's wife, Magdalena, remained firm in the faith of her fathers, and bore to her husband a son, the later Elector John George (1571-1598). But Magdalena died on 4 Jan. 1534. In connection with the choice of a second wife, it has usually been stated by historians that the zealous Joachim I again hastened to impose upon his son another Catholic wife from the same religious motives as before.<sup>36</sup> But as a matter of fact, the suggestion of the person for Prince Joachim's second wife came from his Protestant Hohenzollern cousin, Albert, Duke of Prussia.<sup>37</sup> Albert, the former High Master of the Teutonic Knights, at Luther's suggestion had dissolved the Prussian branch in 1525, and thereby made himself hereditary Protestant Duke of their former East Prussian possession. He was a vassal of the King of Poland and now suggested the Polish King's daughter, Hedwig, as a good second wife for the Brandenburg heir. Through his good offices the marriage contract was soon signed on 21 March 1535, and the marriage took place in the following summer. Hedwig was, of course, a Catholic, and it was stipulated that she might bring a Polish priest with her, and always be free in the exercise of the Catholic religion, to which she remained true, even after her husband turned Lutheran. It is clear, therefore, that this Polish marriage was not primarily the work of Joachim's father, dictated by religious interests. It was quite voluntarily entered into by Joachim and probably indicates even at this early date his territorial ambitions in regard to Poland and the eventual succession in the Duchy of East Prussia, which was a fief of Poland. It also suggests that at the time of his accession, in 1535, Joachim II was already subordinating his early Lutheran sympathies to political interests, and that for the present at any rate he was willing to continue his father's policy of standing on the Roman Catholic side.

Joachim I died on 11 July, 1535. There was a general curi-

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<sup>36</sup> E. g., Droysen, II, ii, 161-2; Prutz, I, 194. Droysen gives correctly the date of Magdalena's death, but Prutz, following a common error of several previous writers, gives it as 28 Dec. 1534.

<sup>37</sup> Letter of the Duke of Prussia to Prince Joachim, 3 Sept. 1534; Steinmüller, 31.

osity to know what his successor's policy would be. At the news of Joachim I's death, the papal nuncio, Vergerio, who mistakenly supposed that the Polish match was the father's work, feared that Joachim II might not proceed in the marriage with Hedwig nor remain firm in the Catholic cause.<sup>38</sup> But he was soon somewhat reassured, and in the view of Germany which he gave to his successor, Morone, in October, 1536, he shrewdly describes Joachim II as "not very firm, but very different from his deceased father";<sup>39</sup> and he thinks that Joachim, being no longer under any Lutheran influence from his exiled mother, can be held to the Catholic cause by his uncle, Archbishop Albert of Mainz. But the papal nuncio had not counted upon the strong pressure which would be exerted on Joachim II by the fact that most of his subjects were already Lutheran, as well as most of those counsellors who would come into daily contact with him. Nor had he counted on the temptation toward Lutheranism which the possibility of a secularisation of the monastic lands must have held out to Joachim. Before the new Elector took any decisive steps in the Lutheran question, however, there was another matter which demanded his attention at the beginning of his reign. This was the regulation of the details of the partition of the Electorate between himself and his brother Hans.

On 22 Oct. 1534, a few months before his death, Joachim I had made, as so many of the Hohenzollern rulers have done, a last will and testament, in which he sought to determine the future, by imposing conditions on his two sons and heirs, Joachim and Hans.<sup>40</sup> By one clause he sought to bind them by a last solemn obligation to remain in the Catholic faith and to renew the Halle League which he had signed with other rulers of North

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<sup>38</sup> *Nuntiaturberichte aus Deutschland* (Gotha, 1892 ffg.) I, 465: "Et se questa morte è vera, si stima che la cosa non procedrà."

<sup>39</sup> "Marchio Brandenburgensis novus elector: juvenis, ut fama fuit non admodum firmus sed longe dissimilis defuncto patri," *Ibid.* II, 67.

<sup>40</sup> Printed in Riedel, C, 3, 393-405; better edition, with valuable notes by the late H. v. Caemmerer, *Die Testamente der Kurfürsten von Brandenburg und der beiden ersten Könige von Preussen* (Leipzig, 1915) 55-71.



Germany for the preservation of Catholicism. By another clause, which was of more immediate moment, he had directed that Joachim and Hans should rule together jointly, just as he himself at the beginning of his reign had ruled jointly with his brother, Albert, until the latter had been provided for by being made Archbishop of Magdeburg and of Mainz. But foreseeing that such a joint government might prove impracticable, Joachim I had also provided that his sons might, if they wished, divide the land in such a way that Hans, the younger son, should have the Neumark and the lands east of the Oder, with the title of Markgraf, while Joachim was to be Elector of Brandenburg and rule over the rest of the territory. Joachim I's motives in arranging for such a partition of the Electorate, which was contrary to the Golden Bull and which would inevitably weaken the Hohenzollern family power, have been variously interpreted. Most writers look for a religious explanation, and think that he deliberately planned to weaken the Electorate in order to increase in Brandenburg the Catholic influence of the Hapsburgs.<sup>41</sup> They point out that the will was presented to the Emperor for his special confirmation. One writer<sup>42</sup> thinks that Joachim I. realized before his death that his elder son would be as extravagant and careless as the younger one was economical and careful; and that he therefore tried to yoke them together in a joint rule; or, if that failed, that he planned that only a part of the patrimony should be endangered by being put into Joachim's hands; the Neumark at any rate should be preserved for the careful rule of Hans. But these views rest on no documentary evidence, and may be regarded as doubtful conjectures. The simplest and most probable explanation is that the father wanted to make provision for both sons, either by a joint rule such as he himself had exercised at the beginning of his reign, or by a partition such as his grandfather had made by the so-called *Dispositio Achillea* of 1473, which gave Brandenburg to the eldest heir and the Franconian lands to the younger sons. This document of Albert Achilles has

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<sup>41</sup> E. g. Droysen, II, ii, 161-3; Prutz, I, 194-5.

<sup>42</sup> Steinmüller, *op. cit.*, 38.

been celebrated by Prussian writers as establishing primogeniture and the indivisibility of the Brandenburg territories as the rule of the Hohenzollern House. But it is clear that it was not so understood by Joachim I at his own accession, nor at the time he made his last will and testament. It was not so interpreted by two lawyers whom Joachim II consulted, with the evident purpose of finding legal grounds for claiming the whole inheritance for himself.<sup>43</sup> It was the realization of the practical advantage of having the eldest son inherit all the lands which gradually, in the course of the sixteenth century, wisely led the Hohenzollern rulers to interpret one of the clauses of the *Dispositio Achillea* as establishing primogeniture.

Joachim I's hope that his two sons might rule jointly soon proved illusory. For Joachim II and Hans were too unlike one another for any harmonious action. Joachim was slow, timid, and lacking in decision and energy—failings which became more marked with the increasing corpulence of age. With his kindly generous nature, he disliked giving offence or engaging sharply on one side or the other of a question. Like many easy-going characters, he preferred to pursue peace at any price rather than to stand up and fight for his beliefs, like most of his Lutheran neighbors.<sup>44</sup> His brother, however, Hans of Cüstrin, as he is usually called, was a man of a very different stamp. He had nothing of Joachim's mildness of character, conciliatory spirit, and financial carelessness. He was quick and determined to stand on his rights, as he soon showed in the heated discussion of the details of the partition arrangement. Throughout his life he displayed a clear, cool calculation in both political and financial matters. Free from the love of display and the spendthrift habits of his brother, he had in him something of the thrifty ways of his great grandfather, Albert Achilles. In due course of time he became a banker for all the princes round about. He loaned large sums with good advantage to himself to his own brother

<sup>43</sup> Von Caemmerer, *op. cit.*, 67\*f.

<sup>44</sup> One of the points which he harps on with most satisfaction in his dealings with the Estates in the latter part of his reign is to the effect, "I have kept you out of war." *Ständeakten*, II, 336, 429.

Joachim, to Polish princes, and even to common merchants, in spite of the fact that in that age such money-lending activities were not considered altogether becoming in a ruling prince. Money-lending was for burghers and Jews. Nevertheless, Markgraf Hans was able to leave behind him at his death the round sum of 569,000 Thalers in money and notes, while Joachim II left nothing but debts to several times that amount. In money matters Hans felt none of the scruples which bound his conscience in religion. In fact he distinguished sharply between the ethics applicable to temporal, and those applicable to spiritual, affairs. For the former he adopted the proverbial rule, "Of two evils choose the lesser"; but in religion, "One must serve God rather than man." His letters, burning with religious zeal, glow like sermons or confessions of faith and leave no doubt of his unquestioned sincerity. He never subordinated his faith to his political interests, and he had no sympathy with the time-serving methods of his brother. On the contrary, as soon as he became ruler of the Neumark, he carried through a thorough-going Lutheran Reformation, and joined the Schmalkald League.

With characters so different as those of Joachim and Hans a joint rule was out of the question. In a meeting at Berlin in November, 1535, they agreed to carry out the partition arrangement, but it was accomplished only after a good deal of wrangling and bitterness over various details relating to the finances or to matters of form.<sup>45</sup> As was stipulated in the will, Hans received the Neumark east of the Elbe, Sternberg, Crossen, Cottbus and Peitz,—in all about two-sevenths of the whole. Joachim received the rest. From the administrative point of view this partition was unfortunate. It burdened the land with the support of two Households and two sets of administrative agents, where one had sufficed before. It cut down very considerably the domain lands from which the Elector of Brandenburg could draw his revenues for the next generation, and it weakened his political position in the Empire. Hitherto the Neumark had been regarded as part

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<sup>45</sup> *Ständeakten*, I, 1-63.



of the Electorate.<sup>46</sup> Its towns and nobles had been members of the Brandenburg Diet; it had been under the same laws and administration as the rest of the Electorate. Thereafter, it had a more or less separate existence. As it happened, Joachim and Hans died within ten days of one another (Jan. 3 and 13, 1571), and, as Hans had no sons, the Neumark was inherited by Joachim's son, John George; it was thus reunited politically to the Electorate; but it was not organically incorporated in it in the complete manner that it had been before 1535.

The lands which Joachim II received by the partition of the Electorate comprised all the older districts west of the Oder, and contained a population of between three and four hundred thousand souls. Of these, roughly, a third lived in the towns and two-thirds in the country. These figures are based on a careful estimate which Thomas Matthias made about 1564, when he was trying to figure out the probable yield of an excise tax on cloth.<sup>47</sup> He reckoned that in all the towns of the Electorate, taken together, there were 16,500 houses or hearths; allowing six persons to each house he estimated the burgher population at 99,000. In the villages and hamlets of the country districts, not counting the houses of clergy and nobles, he reckoned 33,000 houses, which, allowing five persons to a house, would make a peasant population of at least 165,000. In addition to this total of 264,000 persons living by families in separate houses in town and country, the clergy and the nobility, with their domestic servants, would bring the total population up to the given figure of between 300,000 and 400,000.<sup>48</sup>

<sup>46</sup> The commonly accepted view to the contrary is shown by von Caemmerer, pp. 69-71, to be incorrect.

<sup>47</sup> *Ständeakten*, II, 305-312.

<sup>48</sup> *Ständeakten*, II, 305-312. For the half of the Electorate with which he was more familiar (Mittelmark, Uckermark, Ruppín, Zossen and Lebus, but not Altmark and Priegnitz) Matthias gives detailed rural statistics from which he arrives at these totals: 947 country villages, 18,148 peasant houses, 10,424 full peasant tenants (*Hufner*), 7,724 cottiers (*Cossaten*), and 28,187 virgates of peasant arable land (*Hufen*). His figure of 16,500 houses or hearths in the towns of the whole electorate he reduced on more careful investigation to 15,212 (p. 309). Probably the real number lay roughly half-way between these two figures, say at

Meanwhile Joachim II was being urged by men in both religious parties to take a more definite stand in regard to religion. Philip of Hesse wrote pressing letters begging him to carry out a definite reformation in Brandenburg. Melanchthon made several visits to Berlin, and revived that early inclination toward Lutheran teachings which Joachim had undoubtedly felt twenty years before, after his personal meeting with Luther. His brother Hans had at once introduced the Reformation into the Neumark, secularised the lands, and made a new ecclesiastical visitation and organization. In July, 1538, he ranged himself definitely on the Protestant side by joining the Schmalkald League.<sup>49</sup> He hoped his brother Joachim would follow his own good example. Joachim II's own subjects also, at a meeting of the Estates in the fall of 1538, pressed for the adoption of Lutheran forms, but Joachim replied in non-committal language, that in the matter of the Christian religion and ceremonies he would still continue to act so as to satisfy his conscience, his honor, and his responsibility to God Almighty and to the Emperor.<sup>50</sup>

On the other side, the papal nuncios sought to keep Joachim's good will by making several concessions to him in minor matters, and by urging the Emperor's brother, Ferdinand, to meet the Elector's political wishes as far as possible.<sup>51</sup>

But Joachim still hesitated. He desired, as did many other liberally minded Roman Catholics, that there should be a general reform of the ecclesiastical abuses which Luther had so sharply exposed and which Catholics themselves admitted did exist. At the outset Joachim thought that the proper way to accomplish such

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15,900. This is almost the exact figure reached in another and apparently independent estimate, made at about the same time by Nicholas Goldbeck, burgomaster of Stendal; he gives the number of houses in towns by districts as follows: Altmark, 4136; Priegnitz, 1523; Ruppín, 1452; Mittelmark, 6995; and Uckermark, 1792, making a total of 15,898 (*ibid.*, II, 473, note 4.) The total area of the Electorate (*Kurmark*) after 1535 was nearly 10,000 sq. miles, so that Joachim II ruled over a district and population roughly equal to that of the present State of Vermont.

<sup>49</sup> Steinmüller, 48.

<sup>50</sup> *Ständeakten*, I, 48, § 2 (29 Sept. 1538).

<sup>51</sup> *Nuntiaturberichte*, I, 549 ff.

a reform was by the action of the Catholics themselves in a General Council of the Church. He several times expressed this opinion to the nuncio. But he soon came to see that there were a good many obstacles in the way of reaching any results through a General Council. He then began to advocate, therefore, the idea of securing a religious settlement by a direct negotiation between the Catholics and Lutherans in Germany. He made this proposal to Ferdinand in an interview at Bautzen in 1538, and it was agreed that the experiment should be tried. Delegates were sent to a conference at Frankfort in February, 1539. But the meeting was doomed to failure, as one of the Catholic delegates was Aleander, the papal nuncio who had previously taken such an uncompromising attitude toward Luther. Aleander would not agree to the moderate concessions which Joachim had hoped could be made a basis of settlement, such as the marriage of the priests and the Communion in Both Kinds. A few weeks later a similar effort to find a basis of concord at Nuremberg met with no better success. Joachim then began to realize how unlikely it was the Catholics would ever agree to accept even the more moderate demands of the Lutherans. This realization came upon him just at the moment his own subjects were becoming more clamorous for free permission to use the Lutheran forms. Some of his clergy, even the Bishop of Brandenburg himself, Matthias von Jagow, had already openly adopted Lutheran practices. In the spring of 1539 the nobles of the Teltow district, headed by the Bishop of Brandenburg, came to Joachim to beg that at the coming Easter Communion they might be allowed to receive both the Bread and the Wine, as Luther taught. A delegation from the burghers of Berlin made the same request.<sup>52</sup> Some of his most trusted councillors, particularly Eustachius von Schlieben, advised that the time was ripe for the introduction of the Reformation. Accordingly, in the summer of 1539, Joachim did call as court preacher, Jacob Stratner, the man who had helped Margraf Hans to introduce the Reformation in the Neumark. He invited Melancthon to come again to Berlin, and he appointed

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<sup>52</sup> Steinmüller, 54-57.



a commission to work at the draft of a reforming ecclesiastical ordinance. At last, on 1 Nov. 1539, he himself took the communion in the Lutheran form.

It is a curious fact that the place at which Joachim II took this decisive step has for centuries been a matter of uncertainty. In front of the Church of St. Nicholas in Spandau there now stands a monument, unveiled in 1889, on the three hundred and fiftieth anniversary of the Reformation, which, as the traveller is informed by Baedeker,<sup>53</sup> "commemorates the Elector Joachim II's profession of Protestantism *here* in 1539." This assertion that it was at Spandau, not at Berlin, that Joachim first took the communion in the Lutheran form is one which has also been made by the most eminent historians, since it was given currency by the master, Ranke.<sup>54</sup> Droysen adds the wholly unfounded conjecture that Joachim II purposely chose Spandau because it was the residence of his dowager mother,<sup>55</sup> and by taking this step before her eyes he would be honoring what she had suffered in behalf of her Lutheran faith. As a matter of fact, the dowager Electress was still in exile, and was not allowed by her son to return to Spandau till the latter part of 1545.<sup>56</sup> Prutz, on the other hand, with no more basis in fact for his statement, asserts that Joachim selected Spandau in order to spare the Catholic sensibilities of his wife, Hedwig, and to avoid, if possible, any rupture or unpleasantness with his Catholic father-in-law, Sigismund of Poland.<sup>57</sup> The writers of the sixteenth century, however, who were nearest in time to the event and therefore deserve special credence, mention without exception the new cathedral church at Berlin, not the St. Nicholas church at Spandau.<sup>58</sup> But in 1628 there appeared a book by one Cernitius, a secretary

<sup>53</sup> *Northern Germany*, 12 ed. (1897) 106.

<sup>54</sup> *Zeitalter der Reformation*, in *Sämmtl. Werke*, IV, 112: "Am 1 November 1539 versammelten sich die sämmtlichen Praedicanten in der Nicolaikirche zu Spandau," etc.

<sup>55</sup> Droysen, II, ii, 186.

<sup>56</sup> Steinmüller, 34-35.

<sup>57</sup> Prutz, I, 211 f.

<sup>58</sup> Steinmüller, 63-65.

of Elector George William, which directly named "Spandau, which he [Joachim II] had given to his mother Elizabeth in place of a dowry after his father's death."<sup>59</sup> Naturally the imposing title of his book and his position as Electoral secretary gave much authority to his assertion, and started a legend which grew stronger and stronger with time, and with each recurring centennial anniversary.

In spite of the monument, Baedeker, and the leading historians, we must reject Spandau's claim as a pure legend,<sup>60</sup> as well as the supposititious motives assigned to Joachim II by Droysen and Prutz. It was in the new church at Berlin that Joachim II, on 1 Nov. 1539, took the decisive step which marks the introduction of the Lutheran Reformation into Brandenburg. It was in fact the most natural thing in the world that Joachim should wish this new church, which he had just built with much expense, adorned with relics gathered from monasteries all over the Electorate, and sanctified with the bones of his ancestors which had been transferred from the ancient family vault at Lehnin, to be made glorious by being the scene of the most momentous step in his own religious life.

Joachim II's adoption of Lutheranism led naturally to the secularisation of nearly all the monasteries and nunneries as well as the three bishoprics and some other pious foundations. This meant the virtual disappearance of the clergy as one of the "Estates" of the land. Henceforth, the Diet, instead of consisting of three estates, as formerly, was composed of practically only two, the nobility and the towns. The old formula suggesting the three estates ("*Prelaten; Grafen, Herren, und Ritter; und Städte*") appears frequently in the documents long after the Reformation. But it was the mere survival of a formula; like the clergy (*Prelaten*), the ancient counts and lords (*Grafen und Herren*) had almost disappeared or become merged in the lesser nobility (*Ritter*). It was these Ritter, or lesser nobility, who

<sup>59</sup> *Decem e familia Burggraviorum Nurnburgensium Electorum Brandenburgicorum*, Berlini, 1628: "Spandoa, quam Matri Elisabethae dotalitii nomine post Parentis obitum concesserat."

<sup>60</sup> Cf. Steinmüller, 63-72.

formed by far the most numerous and the most powerful part of the Diet, quite overshadowing the representatives of the towns. Significant of their superior importance is the fact that the contemporary documents continually refer to the whole Diet as "die von der Ritterschaft," "die vom Adel," or "die Landschaft," without any mention of the towns; and conversely "die Stände," or "die Landstände," is frequently used to designate, not the whole Diet of nobility and towns, but merely the nobility; the nobility, in other words, were popularly thought of as *the* Estate. But when it came to granting taxes the antagonistic interests of town and country always led to the sharp cleavage between burgher and noble which was characteristic of the Brandenburg Diets in Joachim II's time and later.

The secularisation of the church lands might have been expected to provide Joachim II with resources for helping himself out of his financial difficulties. But they did so only to a small extent. In the case of a great many of the smaller pious foundations the revenues were turned over to local uses, particularly to the support of schools, hospitals, and the local ministers. In the case of the monasteries, Joachim II, like his generous contemporary, Henry VIII, gave away a great part of the confiscated property to nobles and officials; most of the remainder he soon burdened with heavy mortgages in return for cash loans. It made little difference that he had been warned by the Diet not to do this, and had promised he would not do so. Within a dozen years after his adoption of the Reformation, he lost the revenues from so many secularised lands that the Diet had to take steps to help him redeem the mortgaged property, and so recover revenues which he need never have lost, if he had been a more economical and business-like administrator.<sup>61</sup> His change in religion resulted also in a change in ecclesiastical organization. With the extinction of the authority of the Pope in Brandenburg, Joachim himself became, like Henry VIII, supreme head—

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<sup>61</sup> This dissipation and mismanagement of the secularized lands was the object of one of the most frequently repeated criticisms in the long series of grievances listed above in note 8.



*summus episcopus*—of the church in Brandenburg. As such, he issued at once a long Ecclesiastical Ordinance, a part of which he proudly said he “wrote with his own fist.”<sup>62</sup> It had been prepared by a commission, on which both Lutherans and Catholics were represented, and at which Joachim II himself personally presided, taking an active part in the work. It reflects his desire to please both religious parties. While it emphasizes some of Luther’s fundamental doctrines, such as Justification by Faith, and approves of the marriage of the clergy and Communion with the Wine and the Bread, it retains as much as possible of the old Roman ceremonial. For Joachim did not intend that his adoption of the Reformation should lead to a political rupture with the Catholic princes. To his Catholic father-in-law he took pains to explain: “We have no intention of subjecting ourselves wholly to the Lutheran teaching or of introducing any innovations; we simply wish to secure uniformity of ceremonial and discipline in our lands, and thereby put an end to the many unnecessary ‘Disputationes and quaestiones’ by which the common man nowadays is stirred up.”<sup>63</sup> He allowed his wife to remain Catholic and have her Polish priests with her. He did not join the Protestant Schmalkald League, but remained in close political touch with the emperor during the next few years, endeavoring always to find a peaceful basis of settlement between Lutherans and Catholics.

Joachim sent copies of his new Ecclesiastical Ordinance to Luther, Melancthon and Justus Jonas, and, in spite of its generous retention of Romanist practices, received from all these leading Protestants hearty letters of congratulation and approval for the Reformation which he had at last introduced into Brandenburg. It also received the formal approval of the Emperor, at least until a General or National Church Council should settle definitely all the religious differences in Germany. Joachim’s

<sup>62</sup> “Ich habe mit meiner eigenen faust vor 23 Jaren die vorrede in meiner ordenung gestellet; da sihet man, was ich dozumal geglaubet,” he said at the thanksgiving service in 1563 (FBPG, XVII, 243).

<sup>63</sup> Joachim II to Sigismund of Poland, 1 Sept. 1539, in FBPG, II (1889) 403.

Ordinance provided Brandenburg with a confession of faith, a catechism, and a book of ecclesiastical discipline and ceremonial.<sup>64</sup> Following the Saxon example, Joachim also sent out commissioners who during the next three years made a careful visitation of every parish, making an inventory of church property, transferring superfluous silver vessels to Berlin and providing for the proper support of the local pastor and sexton.

In 1543 the elector completed his reorganization of the church in Brandenburg by the appointment of a permanent Ecclesiastical Commission (*Consistorium*) to assist him in appointing pastors, hearing ecclesiastical cases, and administering the rest of the church business which had formerly been in the hands of the three bishops of Brandenburg, Havelberg, and Lebus. This Consistorium, composed of an ecclesiastical superintendent, a Roman trained lawyer, and two or three other officials, with clerks, a seal of its own, and a regular time and place of meeting, was one of the first governing boards which differentiated itself from the rest of the Household administration and began a separate corporate existence with specialized functions of its own.

Joachim II's reign therefore may properly be regarded as marking a turning-point in the matter of religious doctrine and of ecclesiastical organization and discipline.

#### (4) *Economic Changes*

In the field of economic history, also, Joachim II's reign is of much importance. The peasant was rapidly losing the protecting benefits of his medieval customary tenure. The relatively free and independent economic position which his ancestors had enjoyed when they settled as colonizers east of the Elbe in the thirteenth century was being lost by the peasant of the sixteenth century. He was being depressed further and further through the exploitation of powerful noble landlords on one hand and strong town-gilds on the other. In the interests of the towns the peasant was forbidden to engage in any buying and selling or

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<sup>64</sup> This Kirchenordnung of 1540, the most important document in the Brandenburg Reformation, is printed by Mylius, I, 6 ffg.

peddling "lest it injure the burgher's means of livelihood."<sup>65</sup> Such trading, being one of the burgher occupations, must be exclusively reserved for burghers, according to the general medieval idea that each social class must keep within the limits of its own recognized professions. This idea of caste was even extended to the land, so that peasants were not allowed to buy land which belonged to burghers.<sup>66</sup> Town land must remain in the hands of townspeople. But it is noteworthy that this rule for preserving caste in land worked only in one way—in favor of the two ruling social classes; for the noble could expropriate peasants and thereby change peasant land into noble land. Not until the great agrarian reforms of the Stein-Hardenberg period at the beginning of the nineteenth century was this "caste in land" broken down and in its place established a "free-trade in land" which worked with fairness for all classes.<sup>67</sup> Nor could the peasant sell his grain at his own barn-door to persons who would buy it of him. He must haul it to the towns to sell, and even then was allowed to dispose of it only at the specified markets under the supervision of the town authorities, and often even at prices fixed by them. He never enjoyed the chance to export grain freely out of the Electorate.<sup>68</sup> But the frequent complaints of the towns about grain being "smuggled out at night in small boats" suggest that the peasants managed occasionally to get some little advantage from the higher price of grain which often prevailed outside the Electorate of Brandenburg.<sup>69</sup>

It was, however, chiefly from the side of the nobles, rather than that of the towns, that the oppression and deterioration of

<sup>65</sup> *Ständeakten*, I, 57, § 38 (29 Sept. 1538).

<sup>66</sup> *Ständeakten*, I, 439, § 32; 512 (4 Oct. 1549).

<sup>67</sup> For an account in English, over-optimistic, however, see J. R. Seeley, *Life and times of Stein* (Boston, 1879) Part III, ch. iv.

<sup>68</sup> *Ständeakten*, I, 36, § 15 (10 Aug. 1536); 56-57, §§ 31, 37 (29 Sept. 1538). A passage in the 1540 confirmation of privileges, where the text is defective and the meaning obscure, is interpreted by Hass (*Kurmärk. Stände*, 137) as giving the peasant the right to export, but there is no evidence that he was generally allowed to do so.

<sup>69</sup> *Ständeakten*, I, 441, § 48 (17 Aug. 1549); I, 483 (14 Sept. 1549); II, 65 (15 Jan. 1554).



the peasantry mainly took place under Joachim II. The peasants suffered particularly from the process described above by which the nobles were building up large estates and producing for export. The peasant was expropriated if the lord wanted to extend his own acres and could give a sufficient reason. One of the commonest pretexts for expropriation was that the peasant tenant was "mutwillig," that is, contumacious, malicious, or mischievous in his influence on other peasants, tending to make them defy the lord's authority. Such contumacious peasants were no doubt troublesome to the lord, and probably would have threatened the successful exercise of his police power over the peasantry, is left unpunished. But it is not unlikely that peasants whose lands the lords particularly wanted were the ones whom the lords deemed contumacious. In 1540, after much insistence, the nobles secured from the Elector the right to expropriate these "mutwillige" peasants; the only condition was that the peasant should be paid the value of his tenement.<sup>70</sup> As the valuation apparently lay in the hands of the lord, it is apparent how easily he could abuse this right.

Under Joachim II the unhappy Brandenburg peasantry also became definitely bound to the soil. The nobles needed labor on their grain-raising estates. Formerly, before they had begun farming on a large scale and producing for export, they had had sufficient labor in the few days of labor services which were owed them by their tenants. But as they extended their estates and reduced the number of peasants performing services, they had to increase proportionately the amount of labor services exacted from the tenants who remained, demanding four and even five days a week instead of a few days for the whole year. From these increasing burdens the peasant sometimes tried to escape by giving up his tenement and moving elsewhere. Under Joachim I the peasant could still do this, provided he furnished some one to take his place, so that the services would not remain unperformed. But it naturally became increasingly difficult for the peasant to find a substitute to leave. In this case his only course was

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<sup>70</sup> *Ständeakten*, I, 95; 98 § 7 (17 Mar. 1540).

to run away. Even this escape was cut off by a police regulation of 1550, issued at a time when the nobles had again come forward to rescue Joachim II from his creditors. According to this regulation, "whenever a peasant runs away and will not keep up his tenement for his lord or Junker, no matter where he turns, upon the request of his lord people must join in the pursuit of him, without making any objections."<sup>71</sup> Towns were forbidden to receive any peasant who could not produce a letter of withdrawal (*Abzugsbrief*) from the lord under whom the peasant had been living, showing that the peasant was allowed to withdraw with the lord's full knowledge and approval.<sup>72</sup> Such a letter it was contrary to the lord's interest to give. Thus the peasant lost his freedom of movement. Henceforth he was virtually bound to the soil—*adscriptus glebae*. He was sinking into that condition of serfdom (*Leibeigenschaft*) from which the peasants in south and west Germany were tending to emerge. In a couple of generations more, lawyers trained in the Roman law would even speak of him as if his condition were no better than that of a Roman slave.<sup>73</sup>

It was under Joachim II also that the compulsory menial service of the peasant's children in the lord's household (*Gesindezwangdienst*), as maids or as kitchen scullions and stable-boys, also became practically established. "If a peasant subject of a noble has children whom the peasant does not need in his own work, and whom he wishes to put out at service, he must first offer them for service to the lord to serve at a fair pay. Only in case the lord does not want them, may the peasant offer them for service to others at his pleasure," declared edicts of 1536 and 1538.<sup>74</sup> To prevent wages from rising

<sup>71</sup> Polizei-Ordnung of 3 Nov. 1550, in *Ständeakten*, I, 834. Cf. Raumer, II, 226, for similar edict in 1518.

<sup>72</sup> *Ständeakten*, I, 36, § 13 (10 Aug. 1536); 56, § 30 (29 Sept. 1538).

<sup>73</sup> S. B. Fay, "The Roman Law and the German Peasant," in *American Historical Review*, XVI (1910) 234-254.

<sup>74</sup> *Ständeakten*, I, 35 and 53, following a similar edict of 1534 (Mylius, VI, i, no. 16). Cf. E. Lennhoff, *Das ländliche Gesindewesen in der Kurmark Brandenburg vom 16. bis 19. Jahrhundert* (Breslau, 1906), in Gierke's *Untersuchungen zur Deutschen Staats- und Rechtsgeschichte*, no. 79.

in the same proportion that prices in general were rising in the middle of the sixteenth century edicts were issued by the Elector establishing fixed wages for different occupations.<sup>75</sup>

It was during Joachim II's reign that there began in Germany the first great rise in the general level of prices due to the influx of gold and silver from the New World, to the new systems of credit, and to a number of other causes.<sup>76</sup> In England, where the commutation of labor dues into money rents had already taken place long before the rise in prices began, the peasant suffered no great injury from the rise in prices. He might even benefit from it. If he were a copyholder, he paid the small rent which became merely nominal in comparison with the greatly increased prices at which he could sell his produce. If he were a laborer serving for hire, his wages, the price of his labor, tended to go up in rough proportion to the rising level of general prices. In Brandenburg it was quite otherwise. Some peasants at the beginning of the sixteenth century had begun, as in England, to commute their labor dues into money payments. But as soon as the lords perceived that with the rising prices it was much more to their interest to have the peasants' labor services again, now that they were rising in value, instead of the fixed money payments, they tried to force the peasants back to the old services. Joachim II or his father had at first evidently protected the peasants in their commutation arrangement as the royal courts in England to some extent protected the copyholders. For in 1540 we find the nobles complaining that they had formerly "accepted money payments (*Dienstgeld*) in commutation for labor services from some of their peasants; but now since their needs demand that

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<sup>75</sup> For such "Lohnordnungen" see *Ständeakten*, I, 817-819 (Oct. 1550); 838-841 (2 Nov. 1551); cf. also *ibid.*, I, 438, § 30.

<sup>76</sup> That the rise of prices due to the influx of the new gold and silver did not begin as early in the sixteenth century as usually supposed is shown clearly by G. Wiebe, *Zur Geschichte der Preisrevolution des XVI. and XVII. Jahrhunderts*, Leipzig, 1896. Further evidence from the Spanish sources of the relatively small amount of the precious metals from America which actually filtered into the countries of Europe during the first half of the sixteenth century is given by C. H. Haring, "American Gold and Silver Production in the First Half of the Sixteenth Century," in the *Quarterly Journal of Economics*, XXIX (May, 1915) 433-479.



they receive the services again from the peasants and drop the money payments, the peasants object. And judgment has been given here in the Elector's court of appeal (*Kammergericht*) in their favor, to the effect that peasants who have given money payments are not again obliged to perform labor services." Of this decision the nobles "most loudly complain," and beg the Elector that their grievance may be remedied. Joachim assented at once.<sup>77</sup> In Brandenburg therefore it was the peasant who suffered and the lord who prospered by the rising prices of the sixteenth and seventeenth centuries.

Another factor which worked to the detriment of the peasant was the great jurisdictional or police power which the Elector of Brandenburg had allowed the nobles to acquire over their peasant tenants. The landed noble in Brandenburg, as in the rest of the German "colonized" region northeast of the Elbe, was not only a landlord (*Grundherr*) with the great economic opportunities for exploiting his peasantry which have just been indicated, but he was also a police judge or magistrate (*Gerichtsherr*). As such he was able under Joachim II to make good his demand that no peasants could bring suits against their lords in the court of the Elector, as a court of first instance; and they could not bring them at all except on the grounds of a denial of justice by the lords. The nobles feared that if peasants were allowed "to go running to court" at Berlin "to bring suits against their masters" it would "make the peasants defiant and rouse them to rebellion."<sup>78</sup> Therefore they obtained from Joachim II not only the promise that such suits by peasants would not be entertained, but

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<sup>77</sup> This interesting complaint, which throws so much light on the question of commutation of labor services, but which, so far as I know, has not been noticed by any writer, is in *Ständeakten*, I, 95-96, § 49 (some time before 17 Mar. 1540); the Elector's reply, written on the margin of the grievance paper was, "So zu rechte befunden, das die pauern vor das gelt, so sie uber vorwerthe zeit gegeben, dienste zu laistn schuldig, so sal es dorbei bleiben" (*ibid.*, note 4).

<sup>78</sup> *Ständeakten*, I, 90, § 15 (1540); II, 349, § 11; "Bitten daz di paure uf ire erste clage iren junkern zuwiddern nicht mugen geleitet werden, den sie daruber widderwillig und zu ufrur muchten erweckt werden; sondern ein iglicher vom adel die seinen der pillickeit nach muchte zwingen, wie von alters" (Nov. 1564).

also the issuance of an edict in which peasants who attempted to bring in the Elector's court such annoying and baseless suits against their masters "were to be punished with imprisonment in a tower, so that others may refrain from malicious suits of this kind."<sup>79</sup> In disputes therefore between lords and peasants the lord was both party and judge in his own case. The peasant could hope for little justice. He could not look for protection to the Elector, as the copyholders in England were able to look to the Court of Chancery, the Court of Requests, the Council, and, to some extent, to the common law courts of the King, for the Elector was too weak to shelter them against the oppression of the powerful nobles; and anyway he had sold himself out to the nobles in return for their assumption of some of his debts.

On the other hand, an economic change of a progressive nature, looking toward the future, was Joachim II's effort to secure more uniform weights and measures in place of the medieval practices which varied greatly from place to place. "Throughout all our lands the same ell, namely the Berlin ell, shall be used under the pain of confiscation of goods measured otherwise." For weighing small amounts, such as spices and wax, the Erfurt standard of weights was adopted; for heavier articles, such as meat, copper, lead and tin, the Berlin centner of one hundred and ten pounds was made the standard. The tun was to be everywhere uniformly of twenty-four *stübchen*.<sup>80</sup> In this effort at standardization he was heartily supported by the nobility.<sup>81</sup> But in the towns medieval custom and local tenacity were too strong to make possible complete uniformity. The Berlin bushel (*scheffel*), for instance, was to be enforced only in the Middle Mark; in the Altmark, Uckermark, Priegnitz, and Ruppín the local bushels respectively of the towns of Prenzlau,

<sup>79</sup> *Ständeakten*, I, 99, § 11 (17 Mar. 1540); cf. also I, 34, § 6 (10 Aug. 1536); 51-52, §§ 9, 14 (29 Sept. 1538); 813, § 7 (14 Oct. 1550).

<sup>80</sup> Edict of 3 Nov. 1550, in Mylius, V, i, no. 2; KS, I, 833. A similar edict had been issued in 1518 but had not been effective; cf. Raumer, II, 225. The *Stübchen* was equivalent to about three and a half English quarts.

<sup>81</sup> *Ständeakten*, I, 94, § 44; 685, §§ 8-9.

Stendal, Perleberg and Ruppín were to be used.<sup>82</sup> Of more importance for the future was the fact that money was beginning to be used instead of natural products as a means of paying the Elector's officials. Joachim II makes the distinction, as we shall see, between those Household officials who are rewarded by receiving room and board and lands, and those who are to receive money in hard cash (*Kostgeld*). A change in the Household administration was beginning to take place, as Germans would say, from a *Naturalwirtschaft* to a *Geldwirtschaft*; but the change was not to be complete for more than a century.

(5) *The Household and Administration Under Joachim II*

More important and more interesting than the constitutional, religious or economic changes under Joachim II were the beginnings of a new development in the Household and Administration. This is the subject which will be the chief object of attention in the remainder of this study. For historians have not yet appreciated how important for the later history of the Hohenzollern state is the evolution in administration which was beginning to take place in the Sixteenth Century. Institutional changes usually take place slowly, and it would be easy to exaggerate here, as in other respects the importance of Joachim II's reign as a turning point in the system of administration in Brandenburg. It is true that tendencies are manifest under his predecessors which did not develop fully until long after Joachim II had been laid away to rest in the church which he built at Berlin to hold his ashes. But in the study of the administrative arrangements of a state, it makes for clearness and simplicity to take a cross-section view of conditions during a single ruler's reign, rather than to try to make vertical study running down a long period of time. For this purpose of a cross-section study of administration, no reign prior to that of the Great Elector (1640-1688) offers so much of importance or is so advantageous for investigation as that of Joachim II. It affords the best point of departure for an account of that unfolding of the great depart-

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<sup>82</sup> *Ibid.*, I, 813, 832-833.



ments of government which originated out of the administration of the Elector's Household, and which developed gradually in organization and in independence from one another until they became, under the Great Elector, the agencies for the founding of the powerful, centralized, absolutistic and bureaucratic Hohenzollern state, which Brandenburg-Prussia has ever since remained.

In Brandenburg before Joachim II's reign, as in the other principalities of Germany, there had been the very closest organic connection between the administration of the prince's domestic household and the administration of the territory over which he ruled. No clear distinction existed between the prince in his private capacity as the patriarchal feudal owner of a great estate and as master of an extensive domestic establishment, and the sovereign in his public capacity as the political ruler of the territorial state. The personal interests and affairs of the prince were still inextricably associated and interwoven with those of his state. The idea of public revenues, as distinct from the ruler's personal private income, had scarcely emerged. The government of the territory was still carried on for the most part by the prince's domestic household officials, most of whom actually still lived in the castle with him. They ate in the same dining-room with him; at night they received candles from the same silver closet, and wine and beer from the same cellar with him; and they stabled their horses in the same stable with his.<sup>83</sup> The very title borne by some of the most important political officials was reminiscent of their originally domestic character. Such were the Marshal, the Master of the Household, the Chamberlain, and the Manager of the Storehouse.<sup>84</sup> They drew no distinction

<sup>83</sup> Household Ordinance of 1537, sects. 10, 13, and 14: "Ordnung des Kellers," "der Sylberkammer," and "des Stalles."

<sup>84</sup> "Marschall"—late Latin *mariscalcus*, from Germanic *Mare*=horse+*scalc*=servitor: the servant in charge of the stable, or Master of the Horse. "Haushofmeister" is self-explanatory. The "Kämmerer," "camerarius," or Chamberlain served in the bed-chamber both as a master of ceremony and as a keeper of the ruler's private hoard; the double character of his office explains its later bifurcation into the separate offices of Chamberlain and Treasurer. The "Verweser des Möllenhofs," or Manager of the Storehouse, kept the supply of provisions for Elector's table in a mill-house on the Spree near the castle at Berlin.

between the domestic service of the Household and the public service of the state, for the Elector's Household was thought of as co-extensive with the Electorate, which was one of the states of the Holy Roman Empire. The Marshal, for instance, after a busy domestic morning going the rounds of the stable, inspecting the saddles or the horse-shoeing, would join the Elector's councillors and discuss high matters of state policy, or perhaps receive and negotiate with foreign ambassadors. But every evening after supper he would descend to the humbler but necessary task of noting how many people had dined that day at the Elector's tables, how much food was on hand for the morrow, and what necessaries ought to be ordered. From an inspection of the kitchen or the reprimanding of a disorderly scullion, he might go straight forth to lead the Elector's army against the enemy or to negotiate a treaty in a foreign capital.

By the reign of Joachim II, however, came the glimmerings of the consciousness of these distinctions between the private and the public aspects of the ruler. The business of the Household was increasing greatly in volume, and becoming more complicated. Some of the noble officials found it boresome to attend long council meetings or listen to law-suits where lawyers were using more and more of the Roman phraseology and handing in long written briefs. Some of these bored nobles, therefore, ceased to serve the Elector actively as councillors and judges, and allowed their places to be taken by "learned" councillors, or "doctores," as those men were called who had had a university training, often a law course at the famous University of Bologna. The more strictly domestic business of the Household, such as provision for the daily food, the management of the domains from which the food chiefly came, and the receiving and paying of moneys, came to be separated from the prince's more public business, such as receiving petitions, issuing grants or privileges, settling law-suits, regulating church affairs, or discussing in secret the policies to be followed toward foreign states. Certain kinds of business were assigned more and more to certain officials or groups of officials, who formed about themselves the embryo

of the great departments of state, the organs of government of the future. Around the Chancellor was his staff of clerks who made up the large force of the Chancery. Around the Prince himself, with a few of his most intimate councillors who could be trusted with state secrets, was forming the board soon to be known as the Privy Council. Those councillors who devoted most of their time to hearing and deciding law-suits were becoming separated from the others to form the Court of Appeal (*Kammergericht*). And so on. Out of, and along side of, the Household administration was growing up the political administration of the state. After the middle of the sixteenth century it is really correct therefore to speak of the Hohenzollern Household and Central Administration.<sup>85</sup>

As the branches of a growing vine soon extend themselves in size far beyond, and finally even hide, the parent stock from which they are sprung, so these organs of political administration extended themselves steadily. In the seventeenth century they had already begun to overshadow in importance the Household out of which they had grown.<sup>86</sup> As the different branches of business—clerical, religious, financial, judicial, and advisory—became more clearly separated from one another the different

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<sup>85</sup> But to use the phrase as do German writers generally, e. g. Spangenberg, *Hof- und Zentralverwaltung in der Mark Brandenburg in Mittelalter*, for a period much earlier than Joachim II is altogether infelicitous. It implies a distinction, which as I have tried to show, did not exist in Germany much before the sixteenth century. It obscures the essential fact that the Household Administration was *the* administration and the only administration. It imputes centralizing aims to rulers of which they were entirely innocent and unconscious. Recognizing the infelicity of "Hof- und Zentralverwaltung" for the earlier period, one German writer has recently coined a phrase which very happily describes the situation as "administration at the Household" (*"Verwaltung bei Hofe"*). See R. Petsch, *Verfassung und Verwaltung Hinterpommerns im 17. Jahrhundert* (Leipzig, 1897; Schmoller's *Forschungen*, Heft 126) p. 93.

<sup>86</sup> As a curious eighteenth-century surviving reminder of the undifferentiated sixteenth century administration, when Household officials performed unconsciously what a later age would call public functions, may be mentioned the fact that several of the most domestic Household officials continued to be members of the Privy Council, and the despatches of the provincial to the central boards were still called "Despatches to the Household" (*"Berichte nach Hofe"*).



boards of administration which dealt with them became more clearly differentiated. Their functions became more specialized. For division of labor always tends toward specialization of function. This process of specialization and differentiation, by which the Household officials were developing into public functionaries, is already evident under Joachim II. But it was still in the embryonic stage. The same councillors still dealt at different moments with very different kinds of business; there was much of that overlapping of the work of one official over that of another which was characteristic of the older Household administration. Joachim II's Household Ordinance of 1537 is one of the first of a series of subsequent edicts which attempt to secure a more precise definition of functions for the various branches of administration.

The organs of government which were in process of development under Joachim II functioned at first, of course, exclusively for the Electorate of Brandenburg. But a century later, under the Great Elector, after the acquisition by the Hohenzollerns of the Cleves territories in the west and the Duchy of Prussia in the east, these Brandenburg organs of government were widened and extended more or less effectively over these, and other, newly-acquired territories. They were thus transformed to some extent from local Brandenburg organs of government into departments of administration for the whole new Brandenburg-Prussian State. It is because of their later important evolution as the framework of the Prussian bureaucracy, that the embryonic origins of these organs of government under Joachim II deserve a fuller and clearer treatment than they have hitherto received.

## CHAPTER II

(1) *Modern Writers* <sup>1</sup>

There is no wholly satisfactory account of the Household and Administration under Joachim II and of their later evolution. The best general sketch is perhaps that by Gustav Schmoller,<sup>2</sup> but even this is very brief for the sixteenth century, and contains some views which must be rejected. The older accounts of the administrative system under Joachim II by Bornhak, Isaacsohn, and other constitutional historians are also brief; and, inasmuch as they make little or no use of the Household Ordinances and of the *Ständeakten*, are antiquated and inaccurate. The historian who has made by far the most valuable contribution to the subject, so far, is the late Martin Hass, in his admirable edition of the Household Ordinance (*Hofordnung*) of 1537 in 1910; but his contribution is largely in the form of disconnected notes and commentary to different clauses of the Ordinance. The most adequate and well-rounded intensive study, which has become the starting point for some most recent investigations, is that published by Otto Hintze in 1906.<sup>3</sup> Professor Hintze is perhaps the most able and distinguished student of Brandenburg-Prussian institutions. His views are accepted almost *in toto* by Hass. But on the fundamental question of the origin and nature of the Supreme Cameral Tribunal (*Kammergericht*), and its relation to the Elector's general advisory Council, he holds views which are diametrically opposed to those held by the leading student of Brandenburg legal history and institutions, the venerable jurist, Dr. Adolf Stölzel. Between Hintze and Stölzel a long and stiff polemic has been carried on. No German writers

<sup>1</sup> Cf. ch. i, note 1, for the full titles of the works of the authors referred to below.

<sup>2</sup> His "Introduction" to the volume entitled "Behördenorganisation" in the great set of eighteenth-century administrative documents called *Acta Borussica*, in course of publication by the Prussian Royal Academy (Berlin, 23 vols., 1892-1915).

<sup>3</sup> "Hof- und Verwaltung in der Mark Brandenburg unter Joachim II," in the *Hohenzollern-Jahrbuch*, vol. X.

have ventured into the lists with them.<sup>4</sup> It may therefore be profitable that the problem should be examined anew, on the basis of the sources, by one who has no preconceived thesis to maintain, and who ventures to think that he can bring forward some unnoticed facts and suggest a hypothesis which largely reconciles their opposing views and afford a natural explanation of arguments heretofore apparently irreconcilable.

Another reason for taking up this subject anew is that no writer has examined it from the point of view of comparative institutions. It has occurred to no one, for instance, to compare Joachim II's Household Ordinance with similar English ones, notably with that recently published and provided with a most valuable commentary by Professor Tout.<sup>5</sup> It would be easy, of course, to exaggerate the points of similarity between the stage of administrative development reached by Brandenburg in the sixteenth century, with that reached by England during the twelfth and thirteenth centuries, or by France in the thirteenth and fourteenth centuries. That of Brandenburg is Lilliputian as compared with those of the great monarchies of the West. But there are nevertheless some interesting analogies which may be made which do not appear to have occurred to any one hitherto. English writers are as ignorant of the institutional history of Brandenburg, as students of the Hohenzollern Electorate are neglectful of that of England. Hass and Schapper, the two authorities on the Brandenburg Household Ordinances of 1470 and 1537, never so much as mention England or France. Gneist's great work of sixty years ago on English institutions<sup>6</sup> had more influ-

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<sup>4</sup> Except Hass, who sides with Hintze; and Dr. M. Klinkenborg, who brings some valuable evidence from the close of the sixteenth century which throws light back on the problems connected with Joachim II's reign: Klinkenborg, "Ratstube und Kanzlei in Brandenburg im 16. Jahrhundert," in FBPG, XXVI (1913) 413-428.

<sup>5</sup> T. F. Tout, *The Place of the Reign of Edward II in English History*, Manchester, 1914 (Publications of the University of Manchester, Historical Series, No. xxi); for the interesting text of this Norman-French Household Ordinance of 1318, cf. pp. 270-318.

<sup>6</sup> R. Gneist, *Das Heutige Englische Verfassungs- und Verwaltungsrecht*, 3 pts., Berlin, 1857-63. A kind of digest of a part of this, entitled



ence as a powerful liberal pamphlet in favor of the establishment of more local self-government and representative institutions among the Junkers of Bismarck's time, than as a stimulus to stir historical investigators of the present generation to a consideration of medieval English institutions. No Prussian writer has sought to draw light for Brandenburg institutional development from a study of that unfolding of the central organs of government from the *curia regis*, which have been so clearly diagrammed for England by Professor G. B. Adams,<sup>7</sup> and for France by Noël Valois.<sup>8</sup> On the other hand, from the English point of view, the two best accounts of the rise of Brandenburg-Prussia,<sup>9</sup> owing to the necessary brevity in surveying several centuries, have no space to dwell on institutional development. And Tuttle,<sup>10</sup> though he offers many shrewd observations on Anglo-Brandenburg parallel developments, was really not thoroughly informed about the Brandenburg side of the case. He did not work in the archives at all, and only in part from the sources. The secondary works on which he largely depended, when he wrote a generation ago, have been almost altogether superseded by later monographs. But his history still deserves to be read, not so much for his facts, as for his stimulating suggestions of English analogies, and as an antidote to Droysen.

Fortunately for the purposes of this study, there is much satisfactory source material which is now available in printed form.

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*Englische Verfassungsgeschichte* (Berlin, 1882) is familiar to students of English History in P. A. Ashworth's translation (2 vols., London, 1886); also *Das Englische Parlament in tausendjährigen Wandlungen* (Berlin, 1886), translated by R. J. Shee (London, 1886) and by A. H. Keane (London, 1887).

<sup>7</sup> "The Descendants of the Curia Regis," in *The American Historical Review*, XIII (1908), 11-15. A much more elaborate chart of the descent of English institutions is appended to L. O. Pike's *The Public Records and the Constitution. A Lecture* (London, 1897).

<sup>8</sup> *Le Conseil du Roi au XIVe, XVe, et XVIe Siècles* (Paris, 1888).

<sup>9</sup> A. W. Ward, in *The Cambridge Modern History* (New York, 1908), vol. VIII, pp. 616-672; 883-894, and J. A. R. Marriott and C. Grant Robertson, *The Evolution of Prussia* (Oxford, 1915).

<sup>10</sup> Herbert Tuttle, *History of Prussia to the Accession of Frederick the Great* (Boston, 1884).

(2) *Sources: (a) Documentary Collections*

Among the general collections of printed sources, the three of most importance for the study of the Household and administration under Joachim II are the *Ständeakten* very recently published in an excellent edition by W. Friedensburg (2 vols., Berlin, 1913-16), and the older great documentary collections of Mylius and Riedel.

A few of the Elector's confirmations of privileges which Friedensburg includes in his edition of the *Ständeakten* had already been made known by Mylius, and by more considerable extracts by G. Winter.<sup>11</sup> But these piece-meal extracts from the negotiations between the Elector and the Estates were not satisfactory. The formal confirmations, promises, and agreements with which the meetings of the Diets closed can be properly interpreted only when read in connection with the grievances to which they are an answer and the long negotiations of which they are the conclusion. The confirmations and promises were usually granted to nobles and towns united together in the Diet as a whole, and are the law of the land for everybody. But which are the clauses in the confirmations which are intended to satisfy the nobles and which the towns? One can tell only with certainty by reading the grievances, for these were usually presented separately by the nobles and by the towns. It is Friedensburg's publication of these grievances and the long preliminary negotiations which gives his edition of the *Ständeakten* its special value. From them may be gleaned all sorts of information bearing on Joachim II's Household and administration: some salary lists; names of officials whose salaries are in arrears; figures estimating the Elector's revenues, debts, and expenditures; criticisms of his management of the domains, and shrewd suggestions for their improvement and for the tapping of new sources of revenue by taxation; and many other matters. The index of names in each volume is excellent, but the only index of subjects, at the

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<sup>11</sup> "Die Märkischen Stände zur Zeit ihrer höchsten Blüte, 1540-1550," in *Zeitschrift f. Preuss. Geschichte und Landeskunde*, XIX-XX (1882-83).

close of the second volume, is so brief and inadequate that it is of no great value.

Mylius's *Corpus Constitutionum Marchicarum*, published in 1736 and the following years with the co-operation and approval of Frederick William I, and later given statutory authority, professes to contain all the more important edicts of the Electors of Brandenburg prior to the publication of the work. With free access to the archives, Mylius gathered a great mass of documents which he classified according to subject-matter, his main classes being religion, law, feudal matters, army, tariffs, hunting, coinage, postal system, direct and indirect taxation, police, manufactures, artisans, towns, and villages. Within each class he arranged the documents chronologically so that, by using his collection, one may trace the main outlines of the development of most of the Brandenburg institutions. But a comparison of his printed text with the originals still in the archives shows that his edition is not free from minor errors. Much more serious is the fact that he sometimes printed as edicts actually issued, documents which in fact were only drafts of edicts. For instance, the so-called *Kammergerichtsordnung* of 1516,<sup>12</sup> which has been regularly cited at length by historians and celebrated as establishing for the first time a Supreme Court in Brandenburg, was only a draft. It was never issued as a formal law because of the criticisms made of it by some of the Estates. In fact the original manuscript in the archives shows that it was not in a form for issuing: some of the clauses were not in their logical place; some were still left which were in contradiction with one another; and the date and the signature of the Elector were lacking. These facts ought to have given Mylius pause; but he arbitrarily supplied the date, 1516, added a title, and published it as though it were a law in full force.<sup>13</sup> In other cases he sometimes supplied

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<sup>12</sup> Mylius, II, ii, No. 1.

<sup>13</sup> It may be added that Mylius omitted from it the clauses which deal with appeals from the lower courts, the reason doubtless being that he overlooked folio 13 in the original ms. owing to the fact that it was misplaced. Cf. Holtze, *Gesch. des Kammergerichts*, I, 161-167.



a title which was not in the original manuscript and which has been altogether misleading to historians.<sup>14</sup>

Riedel's *Codex Diplomaticus Brandenburgensis*, a massive work in 36 volumes (Berlin, 1838-65), though it deals mainly with an earlier period than Mylius, is very much wider in scope. It is not confined to edicts and proclamations issued by the Electors, but contains also a great many charters and other documents relating to local, family, and monastic affairs. By using the admirable two-volume chronological index and the three-volume index of names subsequently prepared by A. W. Heffter (Berlin, 1867-69), one can often trace the offices, lands, relatives, and other interesting items connected with the various officials in the Household and administration. The second volume of Raumer's very much briefer *Codex Diplomaticus Brandenburgensis Continuatus* (Berlin, 1833) also contains some material of value for the first half of the sixteenth century.

### (3) Sources: (b) *The Household Ordinance of 1537*

The German Household Ordinances have long suffered an undeserved neglect at the hands of historians. It is only within the last decade that some attention to them has been paid by German investigators and that they have been made easily available for study.<sup>15</sup> Yet they contain a wealth of interesting information about the daily life of the German courts, the number of servants for the prince, the princess, and the princely children; the organization of the prince's kitchen, wine-cellar, linen-closet, and stable; the amount of pay in goods or in cash meted out to the servants; and the cost of living in the sixteenth century. But more than this they are invaluable for the light

<sup>14</sup> For instance, he printed (II, ii, No. 9, col. 53 ffg.) a document which he entitled, "Churfurstens Joachimi II Ordnunge der Rethe des Cammer-Gerichts zu Berlin von Anno 1562." But the original ms. (Geh. St.A., Rep. 9, X, 1a) had no date and no title except "Ordnunge der Rethe;" cf. Stölzel, II, 698 ffg. To the title of the following document also (No. 10), which in the original was merely "Ordnunge der Cantzlei," Mylius has added similarly "des Cammergerichts zu Berlin, anno 1562."

<sup>15</sup> In the editions by Kern, by Hass, and by Küntzel and Hass; see the bibliography above, Ch. I, note 1.

they throw on the system of administration and the origins of the administrative organs of government which become so important in the subsequent age of absolutism.

In Brandenburg the first of these Household Ordinances which have come down to us is that issued in 1470 by Albert Achilles.<sup>16</sup> It outlined the administration to be followed in Brandenburg during his absence in the home lands of Franconia, from which he and his ancestors had come. It must therefore be regarded as issued for an exceptional occasion, rather than as a description of the normal state of affairs in Brandenburg. It is unnecessary therefore to consider it here, especially as it has been ably and adequately discussed in a recent monograph by Gerhard Schapper.

Much more important, on account of its greater length and detail and of its close connection with the later development of administrative institutions, is the Household Ordinance of Joachim II of 1537. Though it was printed more than a century ago by the antiquarian, König,<sup>17</sup> its existence and value remained practically unnoticed by historians until attention was called to it by Otto Hintze. Its value for seminar study was at once recognized by Martin Hass, who published it in 1910 in a critical edition with notes and commentary,<sup>18</sup> and in 1911 as an inexpensive tool for seminar students.<sup>19</sup> It has been preserved in three manuscript copies, now in the Hausarchiv at Charlottenburg, which Hass designates as Texts A, B, and C respectively. Text A can

<sup>16</sup> Printed by Riedel, *Codex Dipl. Brandb.*, C, 3, 115 ffg. The date of it has usually been given as 1473, until it was recently correctly established as 1470 by G. Schapper, *Die Hofordnung von 1470* (Leipzig, 1912), 1-10. Schapper also (pp. 270-273) corrects some of the inaccuracies in Riedel's edition of the text.

<sup>17</sup> A. B. König, *Versuch einer historischen Schilderung der Hauptveränderungen der Religion, Sitten, Gewohnheiten, Künste, Wissenschaften der Residenzstadt Berlin*, (Berlin, 1792) I Theil, 246-288.

<sup>18</sup> M. Hass, *Die Hofordnung Kurfürst Joachims II von Brandenburg*, Berlin, 1910 (Ebering's *Historische Studien*, No. 87); cited in the following pages as "Hass."

<sup>19</sup> G. Küntzel und M. Hass, *Die Politischen Testamente der Hohenzollern*, Leipzig, 1911 (Quellensammlung zur Deutschen Geschichte, ed. E. Brandenburg and G. Seeliger) I, 1-40. It is to this edition, cited hereafter as "HO," that references will be made in the following pages.

be dated with certainty, for a note at the top of the manuscript states that it was written in 1537, and the note is in the same handwriting as the Household Ordinance itself. Texts B and C are evidently based on A, for they agree with it closely except for a few additions and slight variations. B appears to stand closer to A in date than does C, but C is in closer agreement with A in wording and contents. Neither B nor C show any dependence on one another; they are evidently both derived directly from A. Their date cannot be fixed with such precision as that of A.

The date of Text B is believed by Hass to lie between the years 1542 and 1546. It certainly could not have been written earlier than 1542, because it names as Master of the Kitchen one Hans Blankenfeld,<sup>20</sup> and we know that his predecessor, Hans Tempelhof, still occupied this office in February, 1542.<sup>21</sup> It also mentions among the Elector's domain lands the property of the monastery of Lehnin, which was not secularized until December, 1542.<sup>22</sup> It can scarcely have been written later than 1546, because in the section on the Stable it mentions the six carriage horses of the Electoral Princess,<sup>23</sup> Sophia of Liegnitz, the first of John George's three wives. She was married on 15 Feb. 1545 and died in giving birth to Joachim Friedrich on 6 Feb. 1546.<sup>24</sup> This would seem to point with certainty to 1545-46 as the date of Text B. The only objection to accepting this date is the fact that, in contradiction with it, B also names, as being still Cup-bearer, Christoph von Schlieben,<sup>25</sup> who was certainly already dead on 27 July 1543.<sup>26</sup> The simplest and most probable explanation of this contradiction is that B was really written some

<sup>20</sup> HO, 19: "Hans Blankenfelt, kuchemeister."

<sup>21</sup> Geh. StA. Rep. 78, 42, fol. 187. Tempelhof died 21 Oct. 1544 (Rep. 78, 42, fol. 220 *verso*), but he appears to have given up his office some time before his death. Cf. Hass, 19-20, 119-120.

<sup>22</sup> HO, 34; Hass, 133.

<sup>23</sup> HO, 32: "Anschlag der wagenpferde. . . . 6 pf. unser g. junge frau."

<sup>24</sup> Cf. J. Grossmann, E. Berner, G. Schuster, und K. Th. Zingler, *Genealogie des Gesammthaus Hohenzollern*, Berlin, 1905.

<sup>25</sup> HO, 23: "Christoff von Schlieben, unser schenk."

<sup>26</sup> Geh. StA. Rep. 78, no. 35, C. M. 46, fol. 246; Hass, 162, note 37.



time in 1545-46, and that the person who wrote it down copied Schlieben's name by mistake, forgetting that he was no longer living. Another possible explanation is that the first part of the text, at least through the section on the Kitchen where Schlieben's name appears, was written before his death in 1543, and that the latter part containing the reference to Sophia's six carriage horses was made later in 1545-46. On the whole, however, 1545-46 may be preferred as the probable date of the whole of Text B. Some years later, sometime between his entrance into Brandenburg service in 1551 and his drawing up of the new Chancery Organization Ordinance of 1562, Text B was annotated in the margin by the hand of Joachim II's well known councillor and later chancellor, Lampert Distelmeier. This is the text which was edited by Hass in 1910 and 1911.<sup>27</sup>

The date of Text C can also be fixed within limits by internal evidence, as being between 1546 and 1552. It cannot be earlier than 1546; for it names, as Manager of the Storehouse, Antonius von Spiegel, and we know that this office was still held in March, 1546, by his predecessor, Hans von Thermo.<sup>28</sup> It cannot be later than 2 Oct. 1552, for it mentions Markgraf Friedrich, and the Markgraf died on that date. This is the text published by König.<sup>29</sup>

Of all three texts of the Household Ordinance of 1537 it may be further noted that they are only drafts of a decree. They lack the formal date, the enacting introductory formula, and the signature of regularly proclaimed Electoral decrees. They have also annotations, corrections, and blanks left for the further insertion of names, such as would not be found in the final form of a decree actually issued. All this does not mean, however, that the rules of the Household Ordinance were not actually followed, or that

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<sup>27</sup> Cf. *supra*, notes 18, 19. It may be added that this Household Ordinance of 1545-46, being evidently derived from Text A and being essentially the same ordinance, is usually referred to as the Household Ordinance of 1537 for convenience in comparing it with other later Household Ordinances.

<sup>28</sup> Hass, 20-21; 115.

<sup>29</sup> Cf. *supra*, note 17.

it is of any less value as evidence as to the details of administration under Joachim II. In fact, it was drawn up with the purpose of systematizing the Household administration and cutting down the excessive number of officials and persons living at the Elector's expense.<sup>30</sup> The author was Eustachius von Schlieben, an able economist and administrator, and a life-long friend of Joachim II. It was he who drew up for him later, in 1562, his last will and testament, basing it, with necessary alterations, upon the testament of Albert Achilles of nearly a century earlier.<sup>31</sup> Schlieben was the man selected at the beginning of his reign for conducting the delicate negotiations with Joachim II's brother, Markgraf Hans of Cüstrin, for the partition of the Electorate after Joachim I's death. During the thirty-two years which he served Joachim II, he made some very shrewd suggestions for the improvement of the coinage and the increase of the domain revenues.<sup>32</sup> It was to him, as the *Ständeakten* show, that the Elector turned more frequently for advice and assistance than to anyone else. It was quite natural, therefore, that he should have been selected to draw up this program of administrative reform known as the Household Ordinance of 1537; or very likely the idea of it came from Schlieben himself, for he was fertile in suggestions for reform. In the Ordinance one is struck by the extraordinarily wide powers which are accorded to the Marshal, an official whose duties will be described later. The explanation for this probably lies in an interesting fact which has escaped all the writers, including even Hass: Eustachius von Schlieben intended to, and did, fill this office himself. He therefore, made it an exceedingly important one, just as Bismarck in creating the

<sup>30</sup> Sect. 10 of the Ordinance, according to Texts A and C, declares: "We order that now and henceforth not more than 400 persons at the most in our Household shall be supported at our table daily." In Text B (HO, 19) the number is fixed at 350. But as we shall see, according to the name-list of 1548-51, the number in the middle of the sixteenth century was actually 455.

<sup>31</sup> H. von Cämmerer, *Die Testamente der Kurfürsten von Brandenburg und der beiden ersten Könige von Preussen* (Leipzig, 1915) 72-75.

<sup>32</sup> Cf. particularly his "Bedencken, wie die vorgewesene unordnung und beschwerung in besserung zu bringen," published by Hass in FBPG, XXIV (1911), 85-107.

office of Imperial Chancellor, which he knew he himself was to fill, took care to make it one of exceptional power.<sup>33</sup> The Household Ordinance, therefore, which he drew up is not to be regarded as a mere theoretical counsel of perfection, but as the actual working basis of the Brandenburg administration in the middle of the sixteenth century.

What was the attitude of the Estates toward the Household Ordinance? There is no evidence that it was laid before them at first for their consideration, though in their frequent visits to Berlin to attend meetings of the Diet or its committees, they had ample chance to note with their own eyes some of the principal features of Joachim II's Household. Schlieben himself, as one of the leading nobles, may have told his fellow nobles of some of the main parts of the ordinance which he had drawn up. The chief criticisms of the Estates were mainly to the effect that Joachim had too large and expensive a Household and that some of his parasites ought to be dismissed. Some of the poorer nobles, jealous of Schlieben's power and the fact that he had been made bailiff (*Amtmann*) of the rich bailiwick of Zossen, attacked him bitterly as a "foreigner" and "bad counsellor." They prayed the Elector to deprive him of his rich bailiwick, which ought to be reunited to the Elector's domains and thus swell the Elector's revenues. They complained of some of the irregularities and objectionable features in the Chancery, the Exchequer, and the Court of Appeals, to be discussed later.<sup>34</sup> But otherwise, the Household Ordinance appears to have met with the general

<sup>33</sup> Hass pp. 151-158, 175, in giving the list of persons who filled the office of Marshal under Joachim II, does not mention Eustachius von Schlieben. Nor does any other writer. But that he did hold this office seems to be clear from a record in the Kammergerichtsregister of 1540, p. 50, according to which he and Kettwig sat as judges (councillors), and in which he is distinctly called "the Marshal." "Montag nach Trin. Soll der Kastner zu Tangermünde eines teils and J. Dolchow anders teils *vor dem Marshall* Eustachius v. Schlieben und Doctor W. Ketwig zu rechter Tagzeit erscheinen in ihrer Gebrechen Handlung—zu gewarten" (quoted by Stölzel, *Die Entwicklung der gelehrten Rechtsprechung*, II, 667). Further evidence that v. Schlieben held the office of Marshal will be brought forward later in connection with the discussion of the Marshal's duties.

<sup>34</sup> *Ständeakten*, I, 189-193 (March, 1542).



approval of the Estates. For in 1549, when Joachim was again appealing to the Estates to help him in his debts, he seems to have actually laid the Household Ordinance before them for criticism, and expressed his willingness to cut down somewhat the membership of his Household. Several nobles individually expressed their satisfaction with the Ordinance and merely hoped the Elector would live up to its provisions.<sup>35</sup> A year later the nobles jointly expressed the opinion that it "was drawn up after good reflection and is satisfactory. But it ought to be lived up to; and because up to this time this has not been done, we beg that the ordinance be observed. Therefore let the Marshal and other officials be instructed in it, so that abuses may be done away with, and every official be able to give a good account of himself."<sup>36</sup> The towns also were perfectly content with the Household Ordinance.<sup>37</sup>

(4) *Sources: (c) The Name List of 1548-51*

In addition to the Household Ordinance, which contains some names indicating the personnel of the Household, it was found convenient to draw up Name Lists to show what persons had the right to be served at the Elector's tables, keep horses in his stables, and receive from him grants of food, clothing and allowance money. Such lists could be easily corrected and copied from time to time, so that they might be kept up to date, as old officials died or resigned, and new ones were appointed in their places. Two such lists from Joachim II's reign have been pre-

<sup>35</sup> The Bishop of Lebus: "Die furschlege und hoffordnung weren guth genug, wan mans ad effectum bringt und hernach auch doruber halte." Haus von Arnim: "Daz der hoffordnung gehalten und nicht so leichte vorandert werde." Curdt Rohr, Jacob von Arnim, and Joachim von Bredow: "Placet hoffordnung" (*Ständeakten*, I, 385-389; 29 June 1549).

<sup>36</sup> "Hoffordnung sei mit guthem bedacht gemacht, ideoque placet. Sei aber nachzusetzen; et quia hactenus non factum, bitten der ordnung volge zu thun" (*Ständeakten*, I, 800; 9 Oct. 1550); cf. also I, 788 ffg.

<sup>37</sup> The towns: "Hoffhaltung lassen bleiben." To which the gratified Elector replied: "Placet quod hoffordnung gefellet." He also promised to have it published and to have the Marshal and the Chancellor expound it. *Ibid.*, I, 802-803.

served.<sup>38</sup> They agree very closely with one another, the only considerable difference being that the earlier one<sup>39</sup> indicates 455 persons comprising the Household, and the later one<sup>40</sup> indicates only 435; this, however, is simply because the later one omitted to mention the officials in the Storehouse (*Mühlenhof*). This earlier Name List gives such a good general conception of the whole Household personnel, and reference will be made to it so often that I have deemed it advisable to print it below, using the text printed by Hass.

The date of the Name List is later by some years than that of the Household Ordinances, as is evident from a comparison of the names given in each. In the case of the mounted nobles, for instance, only seventeen of those mentioned in the Household Ordinance are still found in the Name List.<sup>41</sup> It was clearly drawn up some time between 1548 and 1551. It could not have been earlier than 12 Feb. 1548, because it refers (§ 5) to the wife of John George, the young Electoral Prince; this must be his second wife, to whom he was married on that date; it cannot refer to his first wife, for at the time of her death on 6 Feb. 1546, Dr. Junge had not entered Brandenburg service nor even taken his law degree at Bologna; yet the Name List (§ 20) mentions him as already among the Councillors (*Hofräte*). It could not have been later than 12 Feb. 1551, for it knows nothing of Lampert Distelmeier who on that day became one of the Councillors.<sup>42</sup> It was probably made shortly after June, 1549, for it adopts the

<sup>38</sup> Hausarchiv, Rep. XXX. They are found in a manuscript directly following the Household Ordinances, but are in a different handwriting; Hass, 22-24.

<sup>39</sup> Printed by Hass, 89-95.

<sup>40</sup> Printed, with many inaccuracies by König, *op. cit.*, 289 ffg. That this is the later one is indicated by the fact that a certain Wolff who was in the first name-list was a mere gun-smith (Kleinschmidt), has been promoted, according to this second Name List, to be Master of the Guns (Buchsenmeister), while his former place of gun-smith has been filled by some one else.

<sup>41</sup> Cf. below, Name List, § 8, where I have indicated by an asterisk (\*) those nobles who according to the Ordinance (HO, 31) had been allowed to keep one or more horses in the Elector's stable.

<sup>42</sup> Hass, 23.

two-fold classification of the Household officials which was approved in principle at that time.<sup>43</sup>

A further comparison of the Name List of 1548-51 with the Household Ordinance of 1537 reveals an interesting and important change taking place in the system of making provision for the support of the members of the Household. According to the Ordinance one would infer that they all were provided with room and board at the castle where the Elector himself lived. The councillors are to be up and at work together at 6 A. M. in summer and at 7 A. M. in winter.<sup>44</sup> None of the chamberlains are to spend the night outside the castle except with the Elector's special permission.<sup>45</sup> The whole circle of court attendants are to gather up-stairs in the castle every Sunday and Friday at half-past seven and on other days at eight to attend the Elector to morning worship.<sup>46</sup> The Ordinance fixes for each group of officials the number of the tables to be set, the amounts of wax candles and evening drinks to be meted out, and the number of horses to be provided with fodder, etc., etc. It orders that "not more than three hundred and fifty persons at the most shall be maintained with meals daily," from the castle kitchen.<sup>47</sup> This was the ancient medieval way of taking care of the members of the Household. The Elector did not have to pay out much hard cash for their support, nor did they themselves. He simply used the provisions which came in from his domains for their support.

<sup>43</sup> *Ständeakten*, I, 385-389 (29 June 1549). On this date also the Elector refers to an "estimate of how many horses, how many persons, and how much allowance money are to be arranged for" ("Ist noch anschlag, wiewiel pferde, personen und kostgeld zu halten," *Ibid.*, 386).

<sup>44</sup> HO, 1.

<sup>45</sup> HO, 4. Albert Achilles in 1473 made the rule that *none* of his Household should ride from the castle and stay away over night without his express permission, under pain of forfeiting their right to fodder and support for their horses and servants. (Riedel, C, 2, 94).

<sup>46</sup> HO, 5.

<sup>47</sup> HO, 18-19: "Ordnung der kuchen. Wir wollen auch, das hinfuro, und numer in unserer hoffhaltunge zum teglichen speysen und abspeysen nicht mehr dann zum allermeisten 350 person sollen gehalten werden." 400 was the limit set in Text A of 1537. The reduction to 350 is due either to an effort to introduce economy; or possibly it indicates the beginning of the change to be described below.



But this old system of making provision *in natura* for all the officials, instead of paying some of them allowance money (*Kostgeld*) and letting them find their own board and lodging, had its inconveniences and disadvantages. As the size of the Household increased, it became more difficult to find room for all the officials. At some time near the beginning of the sixteenth century the Chancery staff needed so much more space than it could be given in the castle that it was moved over to the Chancellor's private house.<sup>48</sup> Probably Joachim II's considerable enlargement of the castle in 1538 was due in part to a real overcrowding, as well as to his love of building and display. Then in the case of those officials who were married, it was manifestly impossible to have their wives and children getting in the way at the castle; and it was not altogether satisfactory either for the officials to sleep in the castle away from their wives and children, or to sleep at home and come to the castle for their meals. Furthermore, if several hundred persons were given food and drink from the castle supplies there was an increased danger that some of it would be slipped out of the castle to relatives and friends. That this danger was a real one is clear from the numerous clauses in the Household Ordinance which are designed to stop such leakages. The danger was particularly great in the case of the food and drink sent out to persons, who "ate outside" (*abspeisen*) instead of sharing in the regular meals in the castle.

These difficulties and inconveniences would be partially obviated if those officials whose duties did not exact their continuous presence in the castle were allowed to live outside, perhaps with a wife and children in a house of their own; they could then easily provide their own food and lodging and come to the castle only at stated hours for work. To compensate them, however, so that they should be at no disadvantage as compared with

<sup>48</sup> Today No. 32 in the Breitestrasse, hard by the castle. It was known first as the Stublinger Haus, after Joachim I's Chancellor Stublinger, and afterwards as the Vossenholl Haus, after a merchant who acquired it later. The Chancery staff was moved back again, however, before Joachim II's time. Under John George some of the Chancery documents were again moved to the private house of one of the secretaries, in the Heilige Geiststrasse, cf. Hass, 229-230; 234.

the rest of the Household who were still lodged and fed without expense to themselves in the castle, they should be given allowance money (*Kostgeld*).

The fertile Eustachius von Schlieben urged this change about 1544. He proposed to provide at the castle for the ladies, nobles, councillors, pages, mounted serving men, and the staffs of the chancery, kitchen, cellar, and silver-chamber; all the rest should be given ten gulden apiece as allowance money. "Thereby the excessive drinking and the great confusion will be done away with, and the smaller number (who remained in the castle) will be provided for so much better and in a so much more economical and orderly fashion."<sup>49</sup>

Schlieben's suggestion found favor with the Elector, who made this very proposal to the Estates in 1549, when seeking to win their financial assistance by offering to introduce more economy into his Household. The Estates also appear to have approved the proposal, one of them remarking, however, as Schlieben had done, that care must be taken that those who receive

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<sup>49</sup> "Also ist es auch von nöten, nicht allein die personen, sondern was sonst unratshsam ist, am hofe und in ampten einzuziehen und abzuschaffen; und were gut, das am hofe allein das frauenzimmer, reth und adel, auch edle knaben, canzelleien, zudem koche, keller und sylberknecht, auch reysige knecht, die teglich uff den furstentisch und herschafft auffwarten müssen, gespeiseth und dem andern hoffgesinde, wie vor auff ein persohn x fl. kostgelt gegeben würde. Dadurch wurd das uberschwegliche schwelgen und die grosse unordnungen abgethan, und wurden auch die wenigen so vil bas und desto eingezogener und ordentlicher underhalten werden.

Wie aber der kleine hauff ordentlich solle gehalten werden und auch auffgesehen, das sich diejenigen, so kostgeld nehmen, vor kuchen und keller nicht eindringen, kuchen und keller zu rechter zeit geoffneth und geschlossen, ist in der hoffordnung notdurftiglichen und genugsam ver-sehn." (Eustachius v. Schlieben, "Bedencken, wie die vorgewesene unordnung und beschwerung in besserung zu bringen," ca. 1544, in FBPG, XXIV (1911) 101. For the clauses in the Household Ordinance designed to prevent the leakage of food and drink from the Elector's kitchen and cellar to which Schlieben here refers, cf. HO, 8-9, 13-14, 23-24, 27. This form of petty grafting was evidently a common evil. Schlieben's proposal was probably not an absolute innovation. Cases of furnishing allowance money occur here and there in Germany during the later Middle Ages. Cf. G. L. v. Maurer, *Gesch. d. Fronhöfe*, II, 349 ff. But a general adoption of the practice for a considerable part of the Household was an innovation in Brandenburg in the middle of the sixteenth century.

allowances do not at the same time come into the castle and get their meals too.<sup>50</sup>

In the Name List, Schlieben's proposal is finally put into practical operation. In §§ 1-19 are listed the 308 "persons who must be given daily meals." Then follow, §§ 20-28, the 147 "persons to whom our gracious master gives allowance money." But it will be noticed that the Name List does not adopt Schlieben's proposal precisely as he made it; the Councillors and Chancery staff, for whom Schlieben would have made provision at the castle, are placed, according to the Name List (§§ 20-21), in the second category, with those who are to receive allowance money.

In the evolution of the Household and administration, this two-fold division of the Elector's officials, which the Name List makes, is significant as indicating the line of cleavage which was taking place between the Household on its more strictly domestic side, and the Household as the source of public administration. The officials of the first category, who remain in the castle, are generally the ones who tend to be confined to the non-political and therefore less important duties connected with the Elector's domestic establishment and its ceremonial. From the second group of officials, particularly the councillors, the chancery, and the exchequer, who were now a little more separated from the Household through their receipt of allowance money, were to develop the great organs of central bureaucratic administration, which finally overshadowed the Household.

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<sup>50</sup> The Elector proposed: "Rethe, canzlei, edeln gespeiset, den andern kostgeld gegeben werden" Curdt Rohr replied: "Placet hoffordnung. Abspeiser abzuschaffen. Item kostgelder zu geben, tamen curandum ne illi intrent aulam." The leading noble of the Altmark also said, "Placet kostgeld." (*Ständeakten*, I, 385-388; 29 June 1549).



## NAME LIST OF THE HOUSEHOLD OFFICIALS, 1548-51

*Ordnung der personen, so in teglicher  
hofhaushaltung befunden werden.*

*Erstlich der personen, die man teglich speysen muss.*

- |  |   |
|--|---|
| <p>[1] <i>Personen, so auff unsers gnedigisten herrn des churfursten gemach wartenndt</i><br/> i Engel<br/> i Stellanus<br/> i Bastian<br/> Summa iij person</p> | p i der Herr von Starenbergk<br>i [Matthias von] Saldern*<br>i Anthonius Spiegel*<br>i George Zabeltitz*<br>i Joachim Flans hofmaister*<br>i Wolf vom Closter*<br>i Steffan Ror<br>i Hans Hennig von Arnym<br>i Kanitz<br>i Weichart Bardelebe*<br>i George Flans*<br>i Curth Flans*<br>i Bernewitz*<br>i Cristof Sparr*<br>i Cristof Fronhof[er]*<br>i Caspar Welle*<br>i Otto von Thumen*<br>i Levin Winterfeldt<br>i Peter Rathenow*<br>i Caspar Flans*<br>i Hennigk Possenow<br>i Karstedt<br>i teichmeister*<br>i Wilhelm Krummensehe<br>i Guntzel von Bertenslebe<br>i [Clas] Leisten*<br>i Otte Krummensehe<br>i Dittrich Spiegel<br>i Andres Bardelebe<br>i Hans Holtzendorf<br>i Rider<br>xij [12] einrosser<br>i Cristof Bardelebe<br>i Hans Schneidt<br>Summa xlvj [46] person |
| <p>[2] <i>Auff unser gnedigisten frauen gemach</i><br/> i Kubke<br/> i Joachim<br/> Summa ij person</p>  |   |
| <p>[3] <i>Das frauenczimmer</i><br/> xij [13] personen hofmaisterin, junckfrauen und<br/> i magdt<br/> i junckfernknecht<br/> Summa xv [15] person</p>           |   |
| <p>[4] <i>Auff unsers gnedigen jungen herrn gemach</i><br/> i stubenheitzer<br/> Summa i person</p>  |   |
| <p>[5] <i>Auf unser gnedigen jungen frauen gemach</i><br/> ij megde<br/> i stubenheitzer<br/> Summa iij person</p>   |   |
| <p>[6] <i>Auf marggraff Fridtrichs gemach</i><br/> i magister<br/> i magisters junge<br/> i stubenheitzer<br/> Summa iij person</p>                              |   |
| <p>[7] <i>Das kindergemach</i><br/> i hofmaisterin<br/> i Cordula<br/> i kochinne<br/> i amme<br/> ij megde<br/> i stubenheitzer<br/> Summa vij [7] person</p>   | <p>[9] <i>Eddelknaben</i><br/> vij unser gnedigisten herrn<br/> iij lackeyen<br/> ij unser g[nedigen]st[en]<br/> frauen<br/> vi marggraf Johans Georgen<br/> ij unser g[nedigen] jungen<br/> frauen<br/> x unsers g[nedigen] herrn<br/> marggraf Fridtrichs</p>   |
| <p>[8] <i>Personen der eddelleut</i><br/> i marschalck</p>   |   |

i ins kindes gemach  
Summa xxxiiij [34] person

[10] *Die kuchen*

i kuchmaister  
i kuchenschreiber  
i Hans Francke  
i Hans Francken knecht  
i Hans Francken junge  
i Hainrich [Braunschwei-  
ger] koch  
i Hainrich kochs junge  
i kleine Hans koch  
i sein junge  
i Hans Lemchen  
i Jorge rittekkoch  
i Joachim hausskoch  
i Jorge rittekkochs knecht  
i Hans Lemchens junge  
i Andres koch  
i sein junge  
i bratmaister  
i Bernth koch  
i Peter aufspuler  
i Dictus fischer  
i Hans fischer  
i thurknecht  
ij schlechter

Summa xxiiij [24] person

[11] *Keller*

i Alexander hausskeller  
i Greger  
i Dittrich  
i Hanns  
i Mollerchen  
i butcher

Summa vi [6] person

[12] *Silbercammer*

i Bernth  
i Wilhelm  
i Wolff  
i Merten  
i Merten balbirer  
i junge herrn balbirer

Summa vj [6] person

[13] *Marstall*

i stalmaister  
i sein junge  
i sattelknecht  
ij knechte bei den heng-  
sten des alten herrn-  
pferdt

ij knechte auf des jungen  
herrn pferdt

i underknecht

ij schmiede

ij jungen bei den hengsten

ij jungen bei den ritlingen

ij jungen bei des jungen  
herrn pferdt

ij jungen bei der einrosser  
pferdt

Summa xvij [18] person

[14] *Trummetter*

xiiij [13] person

Summa xiiij [13] person

[15] *Der junckern knecht und  
jungen*

[Here follow the names of the nobles already given in § 8 (with the exception of the "12 Einrosser," of Bertensleben, and of Hans Schneidt, whose groom appears below in § 16), and the number of servants each was allowed to keep at court: the Marshal had 3 servants (*Knechte*) and 2 grooms (*Junge*); Starenberg, Saldern, Spiegel, and Zabeltitz each had 2 servants and 2 grooms; Joachim Flans and the others in § 8 who follow him down to Fronhöfer have each one servant and one groom; and the rest only one servant.]

Summa Lix [59] person

[16] *Gemain hoffgesinde*

i rademacher mit

i gesellen

ij Hans kotzenknecht

i Kerstian thurhuter in der  
kirchen

i brettrager

ij Veith wagenknecht

ij Andres m[einer] g[nedig]  
sten f[rauen] wagen-  
knecht

i vorreitter vor m[einer]  
g[nedig]sten f[rauen]  
wagen

ij prebender

i Hans Schneid[s] junge

i calcant

- ij knecht und  
 i jungen Barthelt schneider  
 i knecht und  
 i junge Asmus schneider  
 i wagenknecht dem jungen herrn  
 ij wagenknecht zum hof-  
 geschir  
 i pirschkarrenknecht  
 Summa xxiiij [24] person
- [17] *In der thorstuben*  
 ij der hausvoigt mit eim  
 knecht  
 i thorhuether  
 iiij wechter  
 Summa vij [7] person
- [18] *Jeger*  
 ij der jegermaister mit eim  
 jungen  
 iiij beyde reittende jeger  
 mit ij jungen  
 ij der pirschjeger  
 i haussknecht  
 iiij tucherknecht
- iiij jeger dem jungen herrn  
 i hassenheger  
 i knecht bei den engelisch-  
 en hunden  
 Summa xvij [18] person
- [19] *Mollenhoff*  
 i Urban [Kemnitz] ampt-  
 schreiber  
 i zollner  
 i Joachim ackerfoigt  
 i haussknecht  
 iiij becker  
 ij meltzerin  
 ij wagenknecht  
 ii breuer  
 ij schweinewarther  
 i ochssenwarther  
 i futherschneider  
 i Johan Bunne  
 i schweinhirth  
 Summa xix [19] person
- Summa summarum der per-  
 sonen, die man speysen wirdet,  
 seint iiijCviiij [308] personen.

*Diesen nachfolgenden personen gibt gnedigster herr  
 costgelt.*

- [20] *Hoffrethe*  
 ij Doctor [Timotheus]  
 Junge  
 ij Licentiat [Johann]  
 Heyler  
 i Doctor [Fabian] Funcke  
 i Doctor [Joachim]  
 Lintholtz  
 i Her Andres Stolp  
 i Thomas Matthis  
 ij Doctor Krabath  
 Summa x [10] person
- i Jacob Francke  
 i Jacob Detert  
 i Claus Thamme  
 i Michel Damerow  
 i Cantzleyknecht  
 ij Hans Bretschneider  
 Summa xvij [17] person
- [21] *Cantzley*  
 ij cantzler  
 i Jacob Speckwagen  
 i Joachim Schaum  
 i Seydel  
 i Alexius [Schultes]  
 i Michel Protz  
 i Joachim Francke  
 i Nickel Hartman  
 i Hans Hofman
- [22] *Renthey*  
 i Rucker [Rost]  
 i sein junge  
 i Jacob [Pietrich]  
 i Hans  
 Summa iiij person
- [23] *Harnischknecht*  
 i Levin Brasche  
 i Jorge Holstein  
 i Hans von Espach  
 Summa iij person
- [24] *Baumaister*  
 i Hans Scheutzlich  
 Summa i person



- [25] *Buchsenmaister*  
 ij zeugmaister mit eim jungen  
 i Nickel giesser  
 i Brosse tischer  
 i Wolff kleinschmidt  
 i spiessmacher  
 Summa vj [6] person
- [26] *Reittende botten*  
 i Matthis  
 i Veith  
 i Jorge  
 i Hans  
 i Merten  
 i Lorenz  
 Summa vj [6] person
- [27] *Einspenniger*  
 iiij personn
- [28] *Gemain hoffgesindt*  
 ij Thomas [Berndt] holtzforster  
 i harpfenschleger  
 ij weinmaister und i knecht zum thirgarten  
 i hauptman im thiergarten  
 i heubinder  
 ij Merten entensteller  
 ij Hans entensteller  
 i Hans fogelsteller  
 i Urban fogelsteller  
 i Andres fogelsteller  
 i sangmaister  
 iiij custer  
 iiij alleluiajungen  
 i Barthelt schneider  
 i Asmus schneider  
 i Leonhardt organist  
 ij Hans Keller organisten  
 i Matthis Zuls organisten  
 ij ceptertrager  
 i pfaf Wolfgang  
 ij polnisch pfaff
- i Andres Schilt maler  
 i Fridtrich steinmetz  
 i platner  
 i boltzendreger  
 i Thomas Blaufelder  
 i Her Vincentz  
 i haussman  
 i Andres schutze  
 i Hans Hefel  
 i bader  
 i m[einer] g[nedig]sten f[rauen]gertner  
 iiij landtreitter  
 i der alt muntzmaister  
 i Simon [Rickner]  
 i Lucas  
 i butchers kinder  
 i m[einer] g[nedig]sten f[rauen] badstuberin  
 i pantzermacher  
 i custer auffm schloss  
 viij [8] auf di schulen  
 iiij hulfper auffm mullenhof  
 i musterer  
 i Caspar seygermacher  
 iiij m[einer] g[nedig]sten f[rauen] wascherin  
 iiij hofwescherin  
 iiij im krautgarten  
 ij Erhart betmacher  
 i Hainrich der arme man  
 i Peter Meyer der arme man  
 i Heine wasserzieher  
 iiij der ammen kinder  
 x lauffende potten
- Summa Lxxxxvj [96] person  
 Summa summarum der personen, so man kostgelt gibt, seint iCxlviij [147] personen  
 Summa summarum aller personen am hoff iiijCLv [455] personen

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CORRESPONDENCE OF GEORGE BAN-  
CROFT AND JARED SPARKS,  
1823-1832

ILLUSTRATING THE RELATION BETWEEN EDITOR AND  
REVIEWER IN THE EARLY NINETEENTH CENTURY

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Department of History of Smith College





## Correspondence of George Bancroft and Jared Sparks, 1823-32

The following letters throw light upon the literary efforts of two prominent American historians of the past century. They also show what were some of the problems of an editor in the conduct of his journal. They may possibly serve the student who would understand the development of periodical literature or the history of the men who made history a prominent phase of literature less than a century ago. They are taken from two manuscript collections, too large to be published in their entirety, which are open to investigators. One, the Bancroft Manuscripts, is in the possession of the Massachusetts Historical Society, and the other, the Sparks Manuscripts, is preserved in the Library of Harvard University. The officers of each library have courteously given permission for their use in this connection. The letters directed to Bancroft are in the former collection and the letters directed to Sparks are in the latter.

Of the two men who wrote them George Bancroft perhaps achieved the greater literary eminence. He was born in Worcester, Massachusetts, in 1800. He was brilliant as a student and distinguished himself in Phillips Academy, at Exeter, New Hampshire, and in Harvard College, where he graduated when seventeen years old. He was so promising that funds were raised by President Kirkland to send him abroad for study. In 1820 he took the doctor's degree at Göttingen, then studied at Berlin, and after a year's travel returned to Harvard, where he became tutor in Greek. Though an excellent scholar, he was eccentric and impractical. He tried in vain to reform the curriculum and took his failure so seriously that he retired from Cambridge after a year to become a partner with Joseph Green Cogswell in the Round Hill School, which the two men established in Northampton, Massachusetts, in 1823. The institution was modeled after a famous Swiss school and had some of the characteristics of the German *gymnasium*. Much attention was paid to

the individual, and the boys were carried forward as rapidly as they severally were able to advance. The school attracted attention from Georgia to Maine and had a short period of prosperity. It finally failed because it was not adjusted to the educational system of the country and because it was not conducted in a practical manner.

Here Bancroft taught until 1831. He was not made for a pedagogue. Although he knew his subjects well and did not trifle with the opportunity before him, he had not the power of reiteration necessary to drive learning into the head of the average boy. His best students learned much: the others played with their master. Meanwhile, Bancroft drifted into literature. The quiet natural beauty of Northampton stimulated his taste in that direction. He read widely and having literary initiative in no small degree, he turned naturally to the production of books. At last he threw aside the rôle of teacher and devoted himself to letters. In making the transition his connection with the *North American Review* was a leading influence. It served to train his power of literary expression, to develop his taste, and to stimulate his confidence in himself as a writer.

This periodical was established in Boston in 1815, chiefly through the efforts of William Tudor, a lawyer who had a true and persistent interest in history. It was at first owned and conducted by a small group of men, each of whom was supposed to contribute articles. As often happens in such enterprises, two or three of the partners wrote most of the matter that was printed. The years brought progress, and it was soon evident that the active contributors were building up a piece of property in which the inactive partners would have equal benefit with their industrious colleagues. It was an impossible situation and could not last.

The man who brought it into sound and orderly condition was Jared Sparks. Born in Willington, Connecticut, in 1789, he spent his early life in poverty. His education was obtained in the village school, but he showed such great ability that when still a boy he was a schoolteacher at eight dollars a month, work-

ing as a carpenter when the school did not run. He attracted the attention of the village minister, who undertook to teach him Latin. At the end of eight weeks the boy was reading Virgil at the rate of a hundred lines a day. Friends now were found and a fund was raised by which Sparks went to Phillips Academy, at Exeter, and later to Harvard, where he graduated in 1815. Although several years older than most of his classmates, he was popular with them, and through his long life in Boston he received great help and encouragement from some of them in that city. He also won the confidence of the faculty. President Kirkland used to say that Jared Sparks was "a man and a half."

At that time the Unitarian movement was strong at Harvard and Sparks came under its influence. He decided to enter its ministry and was received as a most promising laborer in the cause. In 1819 he accepted a call to the newly established church in Baltimore. It was thought that he would carry the faith into the South, where the field was considered promising. The hope proved unfounded. Sparks preached acceptably to the church in Baltimore and he was popular in the city, but he did not extend the influence of Unitarianism in the surrounding country, and in 1823 he resigned the pastorate and retired from the ministry.

Returning to Boston he found that the partners would sell the *North American Review*. He made the purchase, partly with borrowed money, and carried into the management of the enterprise so much business and editorial ability that the periodical gained subscribers and influence rapidly. It was evident that the United States at last had a review worthy of comparison with the leading reviews of Great Britain. When he retired from the editorship in 1830 Sparks received \$9,100 more than he had given for the property. Considering the times it was a very satisfactory result of his venture.

It is likely that Bancroft and Sparks became acquainted at Harvard, since the first and second years of the one coincided with the third and fourth years of the other. Bancroft was



just settling in Northampton when the new editor of the *Review* took up his duties. A short time previously he had written an article for Edward Everett, then editor, on Schiller's minor poems, and it was published in October, 1823. It was a sympathetic essay, as was to be expected from a youth full of the German spirit. In it were Bancroft's own translations of several of Schiller's short poems, slight things for which we can find but little admiration. At this period of his life Bancroft dabbled in poetry on his own account, and in the preceding year he had published a thin volume of verse.

Shortly after the *North American* changed hands Bancroft offered to contribute other articles, and Sparks accepted the offer. It is at this point that the letters begin which I am able to publish. They relate to a series of articles running through several years.\* They are given without emendation, and with only those notes which seem necessary to make the sense clear. The attempt is made to reproduce the letters exactly, without improving the evident results of carelessness. It is worth something to see what the epistolary style of our grandfathers was really like. Bancroft's handwriting is sometimes difficult.

#### BANCROFT TO SPARKS

5 November, 1823, Northampton.

Dear Sir, Buttman's Greek Grammar has been more than a year before the American public, and the American journals have not noticed it. I have wished to write an article on the subject,

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\* Mr. William Cushing in his "Index to the North American Review" gives the following list of articles contributed by Bancroft to that periodical while Sparks was editor: Buttman's *Greek Grammar*, XVIII, 99; Jacobs's *Greek Reader*, XVIII, 280; Somerville's *Letters on France*, XIX, 50; *Value of Classical Learning*, XIX, 125; *Life and Genius of Goethe*, XIX, 203; *Writings of Herder*, XX, 138; *Classical Learning*, XXIII, 142; *Greek Lexicography*, XXIV, 142; Von Dohm's *Memoirs*, XXVI, 285; Saxe-Weimar's *Travels in America*, XXVIII, 226; and *Joseph II of Austria*, XXXI, 1. From evidence in the letters now published it is evident that Bancroft also wrote a notice of J. E. Worcester, *Elements of Geography*, 1824, and *Sketches of the Earth and its Inhabitants*, 2 vols., 1823, published in the *Review*, XIX, 258—July, 1824.

but have been deterred because Mr. E. was the editor of the N. A. R.<sup>1</sup> Now that he has added Mr. Jacob's Greek reader I should like very much to say a few words in commendation of these excellent school-books, if a place in your journal can be spared for that purpose. If you think the matter worth noticing, I wish you would let me hear from you, as to the time, when an article should be forwarded for insertion in the next number.

Permit me to commend myself to your kind remembrance. I hope, the distance of eighty or ninety miles only is not to deprive me altogether of the advantages, which this part of the country is to derive from your personal presence, and I should feel very happy, if I could in [any] way serve you or the good cause of letters. With sincere respect and regard Yours,

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<sup>1</sup> The American edition of Buttman was translated by Edward Everett.

SPARKS TO BANCROFT

Boston, Nov. 8, 1823.

My dear Sir, I have been about writing you for several days, and am glad now to have an opportunity of thanking you for your kind offer in regard to Buttman. The N. A. R. will be much indebted to you for such an article, and you may make it as learned as you please; only let all your learning be in very fair manuscript. I ought to have the article as soon as the 1st of December, and shall depend on it at farthest by the 5th, the sooner the better. Allow me to reciprocate your kind remembrances, and to express a confidence, that you will lend me from time to time such aids as may be compatible with your duties. I shall rely much on your good disposition to "serve the cause of letters", and shall expect this, if no other motive, will induce you to favour the N. A. with an article as often as possible. I should like a long, a learned, wise, and practical article on your mode of education, or such improvements of the old plan, as the schools in Germany and your own reflections have

suggested. With sincere esteem I am sir Your affectionate friend,

BANCROFT TO SPARKS

Northampton, 12 Dec. 1823.

My dear Sir, My review and your last letter must have crossed each other. Having been engaged on a translation from the German, it was not possible for me to get upon writing it till December, and I believe it must have reached you by the fourth of the month, which was within the time you allowed me. I made it short, because I thought in your first number you would have little room to spare, & because most of your readers will think six or eight pages on Greek grammar quite enough.

I could easily write a plea for classical learning, and present the subject under what seems to me a new and just point of view. Next week on Saturday I shall be in Boston, and if you would leave a note at Mr. Searle's in Fremont Court, where I can meet you for an hour on the next day morning or on Monday I will explain to you my notions, and be happy to hear of your views and wishes, which if I can meet, I shall be happy  
Yours truly,

BANCROFT TO SPARKS

My dear Sir, As a friend is going to Boston tomorrow I cannot but send you a few lines, which I wish you would answer after you shall have received an Article for the N. A. R. which I have nearly finished. I shall be able to send it you on Sunday next: I mean, it will then be in Boston. It is on classic learning: I have endeavored to be clear and concise, and hope my notions will please you. So soon as you shall have decided, whether you print it next time or no, I wish you would inform me. I remember you used to own Klopstock's Messiah. Do you own his odes also? Accept my best regards and best wishes. Yours sincerely,

26 January, Northampton.



[P. S.] I have a copy of Worcester's Sketches. Shall I send two pages upon them? How much would it cost to print an edition of 800 copies of a work just like A. H. Everett on Population? I mean, printed just in that manner and of the same number of pages. Pray remember me to Mr. W. H. Eliot.

## SPARKS TO BANCROFT

Boston, Feb. 1, 1824.

My dear sir, I am sorry it will not be in my power to put your article on classical studies in the present number. The truth is, I have been obliged to write more myself than I intended, in order to keep our press in motion, as we had no other work, and I had engaged no articles till Feb. 1st. By a calculation which I have just now made since receiving your letter, I find that I have made an absolute engagement for more articles, than the number will hold, and must put over one of my own, which is nearly completed, till next time. I never anticipated such an evil, and have therefore been very free in soliciting, without looking to the end. The article on Jacobs, which you have sent, is so short, and at the same time so spirited, I should be glad to print it alone in the present number. Some of the old school here have expressed to me their apprehensions since your last article, that the North American is becoming too partial to the Germans, at the expense of our worthy brethren the English. One gentleman made bold to say to me, that the English had written as good Greek grammars as anybody, and that they ought at least to have a passing compliment. I told him I would give you the hint. With this view I return you the manuscript, hoping that if you can think of anything to say in praise of English Grecian elementary books, you will give them the passing need of a paragraph or two. I should think it advisable also to print the note in the text. I sincerely hope you will approve this plan, and will permit this to be a separate article, and will send it by mail as soon as it is ready. I have calculated

on a notice of Undine and shall be glad to have it soon, i. e., if you are sure the books will see the light before April.

Mr. Worcester is printing a stereotype edition of his Geography. When that appears, I shall depend on you, in compliance with your kind offer, to make a notice of this work and his Sketches combined. By the first of May, therefore, let me rely on having from you: 1. Review on Classical Studies, 2. Review of Worcester. Why can you not tack your first review to Potter's Address? I do not remember seeing this notice in the N. A. If it has been, you can easily find some other book. Let me hear from you soon. Very truly yours,

BANCROFT TO SPARKS

Northampton, 9 Feb. 1824.

My dear sir, I send you the little notice of Undine. In a letter, which I sent you some time since, I asked how much it would cost to print a work exactly like Mr. A. H. Everett's on population, making an edition of 600 copies. I wish to know not merely the expense of printing but of binding in boards also.

Mr. C[ogswell] and myself have finally made an arrangement, which will carry us to the banks of the North River. When we first undertook our business, we had several copies of the Prospectus stitched into the N. A. R. at the end. In case we think it best to announce publicly our place of abode, should you have any objection to appending our notice to the next number after the manner of the advertisements in the English Reviews?

I wish you would return me the manuscript sent by Mr. Robbins, as you have no present use for it. I have been cheating myself of my cares by making little translations from Goethe. Perhaps I had better correct and improve the article on classic learning, or perhaps in lieu of it get something ready for the ladies. Then in May you could chuse between an argument about Greek and a lighter article. If you know of any direct opportunity to send me the MS pray do so. Otherwise if you

would leave it next week at C. Hilliard & Co. I will have it called for. Pray add to it the last No. of the N. A. R., for which I wish to become a subscriber; and which I wish always in future to have sent me by mail. Truly yours,

## SPARKS TO BANCROFT

Boston, Feb. 14, 1824.

My dear sir, I have just recd. yours of the 9th inst. containing the *first* notice of Undine. The *second* notice, which you prefer, came two days ago. This shall be printed according to your request. I have sold all that I owned of Klopstock. By a calculation of the printers it will cost to print 750 copies exactly like the *New Ideas*, \$169.39; and \$15 for binding. This includes all expenses. In one letter you asked the amount for 800, and in the other for 600. You know the cheapest estimate is always made out by *tokens*, each token being 250 sheets. This is the way the printers work, and it will cost no more, except for the paper and binding, for 750 than for 600; and it will cost the same for 800 as for 1000. There will always be a saving, therefore, by measuring an edition by two hundred and fifties.

We will stick in the notice you mention; at all events in such numbers as do not go by mail, and where the subscribers can have no cause of complaint by increase of postage. A parcel containing the MS. and a copy of the N. A. is left for you at C. H. & Co.,<sup>1</sup> as you direct. The N. A. subscription for you is entered for Northampton. Give notice if you wish it changed. I am glad you go on with translations. Please always to number each page of MS. for printing. It will prevent mistake. Yours truly,

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<sup>1</sup> Cumming, Hilliard & Co., Booksellers.

## SPARKS TO BANCROFT

Boston, March 25, 1824.

My dear Sir, Will you review Mr. Somerville's book on France? It contains about 400 pages, and goes over so large a field that



I think you can make a kind of analysis of it, and throw in such hints as occur to you, with out much labor. Besides, it may be that you have things in your mind about France, which you wish to unburden. If so, this affords a good opportunity. The work is not put together with much tact, but it contains a great deal of knowledge, and some good thoughts. I should be glad to have it dealt kindly with, as the author has literary merits. He is a young man of fortune, who takes to books wholly for amusement; and moreover, an original work of 400 pages, published in Baltimore, if it has anything to commend it, ought to be favorably noticed. It is a rare thing for so big a book on general literary and historical topics to appear at the South. Please to write very shortly, and let me know whether you will do it. The article should be ready by May 1st. Tell me how I shall send the volume to you. I expect from you the notice of Worcesters Sketches and Geography and hope to receive it by May 1st. Your article of Germany poetry, I shall depend on for the Oct. No. and wish it to be ready by the first of August. With sincere regards I am yours very truly,

P. S. Prof. Everett has written a review of Heeren, which is printed. You have doubtless heard of his grand project of an Annual Register. The prospectus will be at the end of the N. A. R. for April.

BANCROFT TO SPARKS

Northampton, 26 March, 1824.

My dear sir, I have yours of the 25th, and in reply have only to say, that I will make the article you speak of with pleasure and in the spirit of Xn. philanthropy. If the author tortures [?] to books for the love of them he has my heart.

I hold myself ready to review Worcester's books, and desire to do so. But I have not yet received his geography. If it be out will you see that it is sent to me? Send me a line saying about how many pages you can allow me for the one and the other article. In speaking of the geographical works I should

say but a few words respecting the excellent character of the books, and then make some remarks; 1. on the manner of teaching geography, and next on the relation, in which such studies stand to those which require more active exertion of the mind on the part of the learner.

The article I sent you on classic literature needs curtailing, and a plainer style. I purpose to change it accordingly, and to make a little article of it for some No. On Goethe I am seriously employed, and hope to give some translations, which shall at least find their way into the albums of the ladies. At the new political journal I am amazed. I dreamed of no such thing. Yet it might have been expected.

If you get this in season to send Somerville by the next baggage waggon do so. Otherwise let it come by the Northampton stage on Wednesday. The Stage leaves Boston on Wednesday at two o'clock in the morning. I am anxious to see the new number. Perhaps you can enclose it at the same time. If not I shall expect it by Friday's mail. I hope to see you in Boston in May. Truly and with all respect and regard Yours,

SPARKS TO BANCROFT

Boston, March 31, 1824.

My dear Sir, According to your directions I have put the volume of Mr. Somerville's into the Northampton stage this morning. I should suppose that from 10 to 15 pages would do, but you may write as much as you please. Make a few of the best extracts. You will find a very ambitious, and unformed style occasionally; and the general getting up of the book indicates an unpractised hand; but there is much historical knowledge and some good thoughts, and I should like to have the author dealt gently with, although not extravagantly praised. I think you can let some parts of the book speak well for themselves; You can make a sort of analysis of things, and throw in such reflections as occur. I will see that you have a copy of Worcester. Your notions of the topic are good. Please let me have

both articles in the first week in May. Go on with Goethe. The N. A. R. has been kept back by various accidents. It will appear on the 5th or 6th of April. I start for the South in a week to be absent a month. Very truly yours,

SPARKS TO BANCROFT

Boston, April 3, 1824.

My dear sir, In my letter three or four days ago, I forgot to say, that I have a small book just published on which you can engraft your review concerning the study of the classics. It is entitled a "Course of study preparatory to the Bar and the Senate." It is by Mr. Watterson, Librarian of Congress, and has some merit. It goes into the general subject of education, and will afford you an opportunity of extending your remarks on collateral subjects. I will send it to you in May. Yours very truly,

BANCROFT TO SPARKS

31 [*sic*] June, 1824, Northampton.

Dear Sir, At various times I have forwarded you the article on Worcester, and the residue of the article on Watterson.<sup>1</sup> Pray remember my desire to have the sheets sent me before they appear. I repeat: reject that on Worcester if you will, & write yourself a short general one of praise without vituperation. Or print what I have been compelled to say. You will see Mr. Greenwood. Speak of me as of one who has long cherished a regard for him, though he may have returned but little of it. He has a sermon of mine on Poverty. It has a peculiar interest for me and probably for no one else. He has the only copy of it. Ask it of him, I pray you, and keep it for me.

What can you say of your Spanish teacher at Baltimore? Think you we could get him at Round Hill? And for how

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<sup>1</sup> Probably refers to George Watterston's "Course of Study Preparatory to the Bar and Senate," 1824. The review was not published by Sparks.



much? And is he the man for us? These questions I wish you would answer at your early leisure, and say nothing about it to others. We have already a Castilian, who is to arrive this week, but we have no continuing arrangement with him. Goethe shall be done soon. I have the ideas all warm in my head but must let them ferment a little more, that I may write coolly and judiciously. Best regards to William and Margaret.<sup>2</sup> I had a happy time under their roof. Remember me yourself with good will. You know what interests you will have an interest for me. Truly yours,

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<sup>2</sup> William H. Eliot and his wife, of Beacon Street, Boston.

SPARKS TO BANCROFT

Boston, June 21, 1824.

My dear sir, The pieces on Watterson and Worcester came safe to hand. Worcester I have cut off a good deal, and made a short review for the miscellaneous head. I have added a word or two of praise, just to take off the edge of your sharp criticism, though I have altered your remarks on this point very little. In some respects the sketches certainly show a great deficiency of judgment. Go on with Goethe. Send it as soon as it is well matured and finished. If it comes in time it will be the first article in the number. I shall see Greenwood probably in three weeks, and will remember the sermon on poverty. By the way, what heart had you to write on so ungracious a subject? Two days ago Greenwood's answer was received at the New South, in which he declined accepting the invitation.

Cubi, the Spanish teacher at Baltimore, is so much employed, that he will hardly be induced to come away. He resigned his professorship at St Mary's College, which gave him \$1000 a year, for the sake of giving himself to private pupils. I gave him \$1 a lesson. He has a passion for writing Spanish Dictionaries, Grammars, and school books for the South American market. I do not think he succeeds remarkably well in his book making, but he is an excellent teacher, and his hands are com-

pletely full. There were three *constitutional* editors came to Baltimore from Spain last year, destitute, but whether they have fled I know not. Yours very truly,

In Press by Cummings, Hilliard & Co., Greek Grammar of Philip Buttmann abridged for the use of beginners. Pray insert the above in its place.

BANCROFT TO SPARKS

Northampton, 10 July, 1824.

My dear sir, I sent you an article on Goethe by my sister, who left me last Saturday. She will be in Boston this week, and if you will call at Mr. Gardner Chandler's, head of the Mall, in Boylston St. on Saturday of this week at 1, or at half past three o'clock you will receive it by demanding it. You will perceive on reading it, that it has cost me much time in the making. I wish to hear from you, before you print it, your candid opinion upon it. You must not make any alterations or omissions without consulting me. I have only to repeat, I wish you to write me, so soon as you shall have read it, and before you print it. I have a request or two to make. Have you printed either of the articles I sent you? If so, I take it a little unkind of you, that you have paid no attention to my request to have a copy of the sheets sent me immediately after the printing. The request seemed to me a trifling one, and a very proper one also. Yours truly,

BANCROFT TO SPARKS

Dear sir, I have sent you Goethe already. Call at Mr. Gardner Chandler's in Boylston St., head of the Mall, and demand it of my sister next Saturday at 1 o'clock, or at half past three. I wanted to hear your opinion of the article before printing. If you will go directly upon it, do so, but make no *omissions*, nor alterations, except grammar and good sense require it. I have written with great care, will be personally responsible for every word of the article, and also for the selections. I wish

you would have from 25 to fifty—say fifty—extra copies of the article struk of at my expense in a pamphlet form. I wish to send them to Germany. Let me have your opinion candidly, severely expressed, as soon as you shall have read it. Yours in truth

Monday, 12 July, 1824.

P. S. Do not forget to send me by mail a copy of the article as soon as it shall be printed. This is in answer to yours by Wallenstein. My letter of yesterday you will not heed. Many thanks to you for the Review. In great haste Yours-- Come up and make us a visit

SPARKS TO BANCROFT

Boston, July 20, 1824.

My dear Sir, I have read your article, and am much pleased with its general tone, criticisms, and execution. I see nothing that needs be omitted, or that wants altering, unless it be here and there a phrase. The frequent recurrence of such words as "emotions, love, affection, sympathy, sensation, feeling" carried you sometimes into more soft abstractions, than is fully consistent with the dignity of your subject. But this is not often. The translations are many of them beautiful, and will be read with great appreciation. For my own part I am particularly pleased with the "Count" and the "Fable." In the address to the goddess there is a line which you must contrive to alter:

"He hath told them every one  
And he loves the *simpleton*."

Simpleton is never used except in a silly or foolish sense, and such you do not intend it. In the *Angler* also are two awkward words.

"And *rustling* from the opening flood  
An *oozy* maid upsprung."

*Rustling* will do, but it is not good; and an *oozy maid* presents an image not at all to my taste. I see you have put in the Bay



a deer, but this I believe we agreed would hardly answer for our state of society. I should say the same of the Dance of the Dead, though for a different reason. These two pieces I should think it best not to print. They have no doubt cost you much labor in translating, especially the first, which seems to me to be done with great skill and spirit; but in all such cases we must look to the effect, and be guided by that. If you correct the above lines, I wish you would send them as soon as you can; and also the *title entire*, both in German and English of Goethe's works, place, date, no. of vols., &c, that we may begin the matter in proper form: I have desired Mr. Ticknor to read the article before it goes, that he may suggest to you whatever occurs to him.

You complain in your letter that I did not send you "immediately" copies of your pieces as soon as thrown from the press, and say that "the request seemed to you a trifling one, and a very proper one also." Now as to the request I allow that in itself it is sufficiently "trifling and proper," but that it must on all occasions be complied with *immediately* I don't think either one or the other. In the first place, it is not very "proper" to allow any part of the work to go from the office till the whole is published, and in the second place, if every writer were to make the same request, it would be no "trifling" thing for me to attend to this matter, and see that every proof was duly put into the mail. It will give me pleasure always to furnish you with a copy as you desire, but I cannot promise to keep it in perpetual recollection, nor even then to send it before the work is published. And perhaps after all I may sometimes forget it, and then you will only have to send a line to the publisher telling him what signatures you want, and he will forward them immediately. I shall take care that 50 copies of Göethe are printed separately as you desire, and put in as handsome a way as they can be done. I have had a partial negotiation with Mr. and Mrs. Ticknor to visit Northampton while they are there; but on the whole I must deny myself that pleasure till some more favored opportunity. With much esteem, Your sincere friend,

## BANCROFT TO SPARKS

Northampton, 29 July, [1824].

Dear Sir, Mr. Ticknor brings me yours of July 20. I am glad you like the Fable. Preach contentment to women and children. I like its moral. It is true philosophy. "Simpleton," I cannot change this moment. Will do it in the postscript. "Rustling" is literal from the German—see Postscript. The Brigadier is the best piece of the whole, translated with most care and labor. I have read it to two ministers, and two men of feeling; and they liked it, one and all. It cost me a fortnight to fix the lines. I submit to your judgment. It is against my own. The ballad would be popular. But no matter. Cut it out. Cut it out by all means. It was the minister's simplicity that prevented them from understanding it: no such thing. The sentence of death is pronounced on the dance of the dead. At least it is not to see the light in the N. A. R. *Strike out, All that is sentimental.* I rely much on your judgment to befriend me. A man, who writes poetry or about it may easily make himself ridiculous. In connecting the passages do not use the phrase *we*. My own personality glimmers through every page of the review, but nowhere have I said *we*. I am particular about this for divers reasons.

I am not such a child, as to cry for not knowing my way. You need not send me the proofs at all. I could argue the point with you tho', for at any rate, you have no security but in the honor of the writers, that they will not publish their articles before you. They have, or may have a written copy, and with that they can do any harm to be apprehended— Ever yours in sincerity,

[P. S.]

1. Goethe's Werke. 20 Bände. Stuttgart und Tübingen: In der J. G. Cotta'schen Buchhandlung, 1815-1819.  
Goethe's Works. 20 vols. Stuttgart and Tübingen.  
Published by J. G. Cotta, 1815-1819.

I could send you more titles, and an account of a controversy

just waged in Germany about his character, or give you a separate article of four or five pages upon it.

Bright with the waters of the flood,  
A glittering maid upsprung.  
For to her and her alone  
All his secret whims are known  
And in all her faults despite  
Is the maid her sire's delight.

Chuse for yourself. I commend myself to your friendship, and hope to meet you in October. As you omit some pieces, save and return me the manuscript by your convenient opportunity.

SPARKS TO BANCROFT

Boston, Sept. 6, 1824.

My dear G. B. I have a book for you to review. It is a "Journal of a Tour in Italy, by an American"; 468 pages, and has been out 3 or 4 months. Perhaps you have seen it. At all events it tells of things with which you must be acquainted, and will give you an opportunity of saying what you please about Italy. I shall keep it till you come down in October. The review of Somerville was much liked, and I hope you will never enjoin on me another secret. Mr. Ticknor I am glad to say has propounded the matter openly, with your consent. Your Goethe Review will be printed in a separate pamphlet in as handsome a manner as we can do it at the N. A. R. press. The 50 copies will be ready for you when you arrive. I had the pleasure of being introduced to a lady from Northampton, a friend of yours, two or three evenings ago.

Very truly yours,

BANCROFT TO SPARKS

Northampton, 13 Sept. [1824].

My dear Sir: I have nearly finished an article on Discipline, i. e., on the proper manner of managing boys. I have written plainly



and practically, and confined myself strictly to my subject. If you should like it for the next N. A. R., it is at your service, and will interest whoever is interested in our institution. It may be about 30 pages long. If you have room for it I will bring it you in October, and we can read and prepare it for the press at that time. It is very, very soberly written.

Touching Italy, I am afraid of myself on such a subject. To treat of politics is out of the question. Italian politics are easily explained. A hard despotism overwhelms the nation. But the arts, Raphael, the middle ages, Byron who was at Pisa, the outline of Italian scenery, these are topics worth thinking. Pray, if the book be in boards, send it to me by the first stage with a letter saying if you will have a little gossip, &c, &c., and how much room you have to spare, and in October I will tell you all about it, whether I can write upon [it], & what I can say. Ever & in sincerity—Yours

Am I a lady's man? If my *Goethe Review* does not settle that point, I may as well go hang myself, or put on the weeds of a hermit. If you conclude to receive (always under the condition that on reading it you find it will suit your purpose) the Education Article, let me know it forthwith, and if [satisfactory] it can be printed in the first fortnight of October, while I am in Boston. In those few days I want to see a great deal of you, & talk with you much. You must let me know where you dine, and when you are going to walk, that I may see you much and not interrupt you.

SPARKS TO BANCROFT

Boston, Sept. 16, 1824.

Dear Sir, By the stage of this day I send you the book of travels as you desire. By the leaves not being cut, you will see that I have read very little in it. What I have read I have liked, though there is a marvellous dull kind of air about the book. I suspect the author meant no harm, and had written as well as he could; but I should be ashamed to be caught criticising a book,

which I have read so little. Take it in hand and do it justice; but do not get into any tantrums talking about Italian arts, scenery, and associations. Tell us of plain, entertaining, instructive, and good things. As to your piece on managing boys, if you can enlighten the public on this subject, you can in no way become a greater benefactor. Few know anything about the matter. I should be glad of the article for January.<sup>1</sup>

You have got some foolish notion in your head about "a lady's man." Keep it well in mind, that the true way to be a lady's man, is to be a man's man,—a man of firm, dignified, unwavering character, devoted to a noble, elevated purpose, and pursuing at all times a uniform, upright, determined, independent course, without yielding on the one hand too implicitly to the whims or opinions of others, and without disregarding on the other the counsel and good example of the wise and worthy. In other words, respect yourself, and deserve the respect of all others, and you will in the completest sense of the term be a lady's man. In my mind, there is but one rule in the matter. The man, whom all the world respects for his virtues, his attainments, and his elevation of sentiment and character, is the man who of all others will acquire the greatest favor with the ladies, if by this criterion you mean to judge a lady's man. To suppose otherwise would be to reflect on the discrimination and good sense of this fair half of our race. In short, the lady who is not more captivated with these traits in a man, than with the frippery of folly and ignorance, deserves not to be esteemed by any man, who is himself worthy of esteem. Let me beg of you, therefore, not to associate any longer the idea of a lady's man with poetry, sentiment, soft and killing things, the tinsel of butterflies, the gossamer moonbeams, nor any such unsubstantial things. These are well in their places, but they have an amazingly small part in making up a true lady's man.

Bring down your piece on education. It is probable I shall want it for January, but this will in some degree depend on circumstances, as I must necessarily consider variety. Ten or

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<sup>1</sup> It was not published in the *North American Review*.

twelve pages will be enough on the book of travels. Yours very truly,

BANCROFT TO SPARKS<sup>1</sup>

My dear Friend, I send you the article on Herder as you desired. It cannot be far from the desired length. As I have written it purely at your request, take it and do with it as you will. It will please me best in the form, in which it pleases you best.

As to the book on Italy, I do not know how to say anything without saying a good deal, and you have no room, and I no leisure for that. A page or two might still be written: tho' the notice of works, which do not interest me, is a hard task for me, and one I am opposed to from principle.

Some of the remarks which you made me gave me a good deal of pain. In writing for the N. A. R. I conceived myself in the pleasantest situation, laboring in a manner to oblige and serve a friend, quite as much as myself, and at the same time doing my little part towards disseminating a love of letters. To successful exertion of one's mind a consciousness of independence is necessary. As a friend of yours, I might desire at all times to perform any literary labor, which my habits and pursuits might have fitted me for. Wherever I express my own feelings and the results of my own thoughts, there must be no mind at work but my own. When you told me, that you should return unread, articles sent to you to be inserted unchanged, you did the same, as to tell me, according to my principles of action, not to send you any at all. I value the advice and the criticisms of friends, have been too often benefited by them to be ignorant of their worth. But to give up a production of my own to be accommodated to another's views, to have *another's mind reign* in it, is what I never can do. I value opinions, delicately formed, too much for that, and I value myself too much for it also.

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<sup>1</sup> Without date. Received Nov. 13, 1824.



If I mistake not the character of the American public, there is no need of keeping back any truth from it. The public is willing to be shocked. Ask yourself, if a thing appears good to your own mind; and doubt not, the objections which may arise from the fear that this or the other will be offended, will prove groundless ones.

I have sometimes thought of relinquishing the career of letters. I could be very happy and very useful, if I would do it. I mean relinquish toiling for others. The perception of excellence in others, the love of communing with high minds Providence in its mercy has conceded me—a compensation for a thousand woes, and my most valuable possession.

Let me hear what you expect me to do with reference to the book on Italy. If you have room, still might something be done. I wish to know, what you think of my piece on Herder. I had not the books I needed. I have not satisfied myself. If you think it would do me discredit, do not print it. You have full liberty to change, add, or omit. In good faith and with real affection Yours,

SPARKS TO BANCROFT

Boston, Nov. 13, 1824.

My dear Sir, You are a man after my own heart, willing to promise, and prompt to execute. The piece on Herder I like much. It will be in press in two days. You may let the book on Italy go by. It needs not be noticed. I am sorry you were troubled at any remarks of mine. The truth is, I thought you dwelt with quite too much pertinacity on a very little matter. I have never written myself for the N. A. when it was in other hands than my own, that my pieces was not more altered than yours. I thanked the editor and forgot it. I have hardly printed a piece since I had the book which has not been more altered than your Goethe article; and I have heard no complaint from any other individual. These things considered, I was doubtless

too much excited with your talk to me and others. It was really a very slight matter at most. Three or 4 lines were omitted; not a word, or at least a sentiment added. Allow no good was done; what was the mighty harm? It was not a thing to worry about, and more especially after a thing was done, that could not be undone. I say again, all these things considered, I was more moved than was necessary. But why remember these things? Submerge them under the waters of Lethe, there let them rest.

I have another project<sup>1</sup> for you, which is to make an article on "Physical Education." I send you two books, which you may review, and two MS. pamphlets of translation [illegible] by a person of this city, of all of which you can make such use as you please. I do not want speculations, so much as a brief and animated history of what has been done, and is now doing, with such philosophical reflections as may suggest themselves. These books I presume, (with such German books as you may have) will afford you all the materials, and it will only be necessary that they should be brought together in a proper shape. Suppose you have a few preliminary remarks on the gymnastic education of the ancients; then a history of what has been done recently in Europe as detailed in these books; then the present practices as to this point in Germany and Switzerland; and lastly such reflections as occur in regard to introducing some similar system into this country.

As the body and mind are assimilated so strongly to each other, it seems certain that any course of education, which gives health and vigor to the former, must quicken and enlarge the powers of the latter. But this is a wide field; explore it as you like, only remember, that so little is known in this country about gymnastic education, that historical details will be particularly interesting to our readers. I send the books by the stage. Please let me know very shortly whether you will undertake, to have the article done by Feb. 1—I should suppose it ought to be brought into 25 pages: perhaps 30, if you find yourself pressed. Very sincerely your friend,

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<sup>1</sup>This project also came to naught. See below, p. 96.

## BANCROFT TO SPARKS

November 17, 1824, Northampton.

My dear Sir, I have yours of Nov. 13. Also the books and MSS came safely to hand. I have as yet had no time to examine them. Physical Education is a subject, which I should not of myself be led to discuss. There are many others, to my mind more interesting and more familiar. Nevertheless the subject is known to me from books and observation, and I am willing and disposed to send you an article on it at the time and of the extent, which you suggest.

The best is, to forget unpleasant things. Only it is also best for friends to understand each other. I know not how you can call the changes you made in the unfortunate article so trifling. For me they certainly were not trifling; for while I had been expecting to derive much pleasure from the appearance of it, I have felt only chagrin. And I cannot persuade myself, my disappointment is not well founded. Do you not know, you changed one assertion from a negative to a positive one, thereby saying something, which I do not believe, & which makes the words at least unmeaning? And do you think, that when a man has written according to the strictest rules of rhetoric as far as he knows them, has consulted harmony and perspicuity in the structure and arrangement of his sentences, and has carefully and after frequent deliberation selected his words and phrases, that he likes to see them erased, or supplemented by words which do not express his ideas? You altered, what you would not have altered, had you understood, why and in what spirit it was written. And the change in two cases out of three, though few, materially affect both the meaning and the style of the most labored parts. I say labored parts, and I am free to add, labored with the most success, and the most *truth and nature*. The matter is of little moment, only in so far as the whole article is of little moment, and my desire to be esteemed as a writer a childish vanity.

I did not mean to have said so much. I will add, the *omis-*



sions you made in the article on classical learning were such, as to entitle you to my thanks for having made them. I am pleased to learn, the article on Herder is liked by you.

Of the MSS, I shall make no sort of use, unless you tell me their author's name, and probably not then. It is rather an evil to have such things, unless one knows exactly with what persons one is dealing. I subject my promise to send you an essay on Gymnastics to one condition. I may think it best to send it you through a physician, who if he finds my notions false, will prevent me from exposing myself.

In conclusion, you may feel sure of my never again troubling you or being troubled myself as has been. Whenever you may need, or desire my poor services, they will be given in a different manner, so that I shall not care, what alterations may be made. I shall write to please you, not to gratify myself. We will see, whether the love of praise, or the influence of friendship can furnish the best inspiration. In sincerity as ever Yours,

## BANCROFT TO SPARKS

[Northampton] December 24 Christmas Eve., 1824.

I lost no time after receiving yours of Nov. 13 in devoting my time and thoughts to the subject you proposed. I have turned over many books, and reflected much with myself. The connection between the body and the mind, and the consequent inference, that physical education derives its importance, not from its giving health to the body only, but from its direct coöperation with moral education—this I intended for my first topic—I meant then to narrate the gymnastic exercises of the Greeks, and the plays of their school boys, and to pass from this to the history of modern gymnastics—The third topic should have been the practical application of these views to our country. I have collected all my materials for the first topic. Unluckily I do not own either Hippocrates or Galen, and know not whether Cabaniss<sup>1</sup> has yet published his work sur le Perfectionnement du genre humain. If he has I need his book. His great work

<sup>1</sup> Pierre Jean Georges Cabanis, a French physician and philosopher.

Rapports du moral et du physique de l'homme I have. It is philosophical, and accurate. But to the point. When I consider the mass of papers lying on my table, I believe the first topic alone will occupy some 20 to 26 pages. What shall be done? I have given an account of temperaments, from Cabaniss, Richerand, Londe,<sup>1</sup> & some others. The subject is important, and if I can judge, not without interest. It is for you to decide, whether:

1. I shall finish this important topic, I speak of, as a review by itself of twenty or thirty pages, or 2. go on, and add ten or fifteen more of history, and so make a review of forty-five pages, or 3. let my notions, reasonings, speculations, practical observations on the first topic be brought into the least possible compass, and the history then added concisely,—which third plan I do not much approve of—or 4. Discard my work already done, and sticking to the facts, write a new review. Will you decide, and answer me by return mail?

It is Christmas Eve, and a glad occasion. The Roman is now passing from street to street, from illuminated church to church; the Basilica of Santa Maria is filled with music almost heavenly; the faithful are rejoicing. I wish you all joy, suited to the occasion, & happiness always—

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<sup>1</sup> Anthelme Balthasar Richerand, 1779-1840, and Charles Londe, 1795-1862, were French physicians who wrote about physical education. P. H. Clias, 1788-1854, a Swiss army officer, developed a noted system of physical exercises.

#### SPARKS TO BANCROFT

Boston, Dec. 27, 1824.

My dear Sir, Your letter contains hard questions, which it is impossible for me to answer, with my profound ignorance of the subject. My opinion is, that the *facts* of the case will be most interesting; i. e., the history of gymnastics. Suppose you have two articles,—one on "*Physical Education*," embracing your first topic,—the other on the "*Gymnastics of the Ancients and Mod-*

erns," embracing all your other topics. As to the length, I should think it a wise thing not to let either of them run over 20 pp. at most. Condensation is one of the highest merits of a good writer. Make it 40, and then reduce to 15 or 20. This as you like. How can anyone but a physician write on physical education? Take care not to lay yourself open to ye Esculapian tribe. You need not suggest any connection between your articles; only put the most appropriate books at the head of each. Let one be ready for Apl—ye other for July. O. Everett has failed—I am now my own agent—and in the greatest confusion you can imagine. Very truly yours,

BANCROFT TO SPARKS

Jany. 8, 1825, Northampton.

Dear Friend, I received yours late last night, send the books, *all* you wish noticed. Send them to be here Wednesday night, which you can do. You shall have the Article, as good as I can with fair industry and honest intention make, and if possible, 15 Feb. & certainly the 20th, health & life continuing.

Have you received what I wrote you upon temperaments? Do you like it? If you do, and have room, I wish it could come in this time. If not, it must wait. The book[s] of Londe & Clais shall come to you by Monday's stage. So too the MSS. Send me the books again when you can; and tell the man to sell or give them to me. I wish to own them. The MSS he may keep.

Let me know forthwith in what tone you wish the article to be written; to scold & find fault & tell the truth of a dull book, or mildly, charitably, & in a forgiving temper. Must I say no word of Redwood? Yours, as ever,

P. S. I am trying to get time to write on education for the press. Will you do me a favor? Richardson & Lord propose publishing for me *Jacobs's Latin Reader*. Pray call at their bookstore, & learn of them, if they accept my proposition. I demand and expect 10 per cent on the retail price, payable at the time of publication.



## SPARKS TO BANCROFT

Boston, Jan. 15, 1825.

My dear Sir, I waited to receive the books, which you said would come in last Monday's stage. Nothing is heard from them. Will you send them immediately with a letter telling by what stage? With the general tone and bearing of your article on temperaments I am greatly pleased. I wish the physical descriptions omitted, and some parts altered,—have marked it, & made it ready to send you, but do not know whether the conveyance by stage is safe. Let me know & oblige Yours &c--

## BANCROFT TO SPARKS

[Northampton], 17 Jan. 1825.

My dear Friend, The parcel containing the MSS and the two books really went last week Monday morning (the 10th) & must have reached Boston on Monday evening. It went in the Amherst line, of which you can hear at Wilde & Hosmer's, Elm Street, or at the Exchange Coffee House, or at Col. Wilde's Eastern Stage House, or J. T. Hathaway. It was directed to Rev. J. S. to be left at C. & N's bookstore.

I doubted whether it would reach you. You are not known to the stage drivers, and in Boston they do not have time to go about and deliver things. It is necessary to send to the stage office, when a thing is expected. That I can do at Northampton, & do always. Therefore whatever is left at Earl's to be forwarded reaches me safely. Direct merely to me at Round Hill, Northampton. Our boys have made us known on the road, and we are in the order of sanctity with all tavern keepers & stage proprietors from here to Boston. Let me have, what you intend sending me on Friday evening. This letter will reach you Thursday morning.

You ask me to write an article 30 or 50 pages long. I assent, and you neither send me the books, nor tell me if your desire has ceased. Let me know; for I do not leave my time unap-

propriated. I am glad you like the doctrine of temperaments. I have consulted the best authorities, and as to the physicians, I know of but one, who understands the subject; & that is D. Jackson. You once wrote me a long letter, and never but once. I live upon that; but wish you could sometimes add at least a syllable of Christian salutation, or friendly information. You are all to laconic. Ever,

To make the matter sure, I will write on the Way Bill of the same stage an account of this important parcel and request in my own name the stage proprietors to make search for and deliver it.

## SPARKS TO BANCROFT

Boston, Jan. 20, 1825.

Dear B. Who ever heard of the "Amherst line?" I sent every day to the Northampton stage. You must put a letter in the mail saying by what stage you send. I have marked in brackets such passages in the MS, as I wish to have omitted. One of your friends has read the piece, and agrees with me in thinking these parts had better be left out. Please return it very shortly, as I want it now for the press. As to the Novels, it did not occur to me that I have a long Review of Redwood for this no., and one review of novels is enough for one No. I shall want the article on American novels for next no.,<sup>1</sup> I will send the books soon. I have no time to write long letters. I have much, much to do;—agent, editor, &c, &c. The college question is discussing today, Judge Story speaking, and I suppose Mr. John Lowell. Nothing is likely to come of the matter, as I fear. The professors are to be heard in favor of their memorial next week, and it is supposed Everett will make a display. Yours truly,

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<sup>1</sup> Another project that miscarried.

## SPARKS TO BANCROFT

Boston, Feb. 17, 1825.

Dear B. I return your article by Mrs. Lyman, who is kind

enough to take charge of the parcel. As you do not agree to the omissions I suggested, I cannot of course publish it. You seem not to have very correct notions of this matter of "judgment," in regard to the N. A. Review. You say you "make it a rule to rely on your own judgment." This is an excellent rule,—precisely the rule which I adopt for myself, and which I must adhere to rigidly if I intend to have any comfort in my labors, or any consistency in my Review. Now this is not saying that my judgment is better than yours, or any other person's; but whether good or bad I must decide by this at least. It is not the *merits* of a piece alone of which I judge, but its adaptableness to the N. A. Review, and when objections exist in my own mind, whether these are well or ill founded, you must perceive at once that I ought to be influenced by these objections, and decide accordingly.

In short, it is unnecessary to talk any more of this matter. I have made it a practice without a single exception to strike out of any article such parts, as I did not like; and I have hardly printed an article in which I did not omit something, nor do I remember writing an article for the N. A. R. while it was in other hands from which some parts were not struck out. I *add* nothing without the consent of the author, but I omit in all cases where I think it ought to be done. You are the only person who has complained. E. Everett has now an article just going to press in which I have cancelled three sheets. He thinks them good, of course, but he makes no objection to their being omitted. Quae cum ita sint, I beg whenever you send anything hereafter, that you will make up your mind to send it on the same terms that all the other writers do, and wish you to understand distinctly, that I shall always omit what I do not like, as being the invariable rule by which I am guided in all cases.

I have just received your very pleasant letter of the 13th instant, and am glad your time is so well filled up, because it is an evidence that you are both useful and happy. You are making a great figure with your school, and the nation will be indebted



to you for many years. I hear so much of the beauties of Northampton in the summer, and the agreeable society among its inhabitants, that I think I shall make you a visit next summer, and spend some days, if I can find good lodgings in your town. I will spend an hour with you in the interval of your labors, and at other times I will ramble about the country, go up the mountains, mineralize, botanize, and take romantic walks, and look at the blue sky, and white clouds, and green trees, and admire and enjoy the charms of nature. By that time the affairs of the N. A. will become so well organized that I can easily be absent for a few weeks, and I shall make a jaunt in some direction. I presume you will be with us in the spring vacation. The Ticknors came home yesterday after an absence of three months. You will have heard of the bustle we have had about college in the senate—Memorial, Story's Report, &c.—Judge Jackson was chosen a member of the Corporation a week ago, and yesterday the board of overseers put a negative on the choice by 20 to 18! What this portends I know not, but the like was never known before. My heart sickens at the very name of college. Everybody seems wearied to death with hearing it harped upon so long, and all apparently to no purpose. Dr. Jackson liked your article on Temperaments. Very sincerely your friend,

## SPARKS TO BANCROFT

Boston, March, 18, 1825.

Dear B. The Latin Reader came duly to hand but too late to be noticed in the Apl. no.—Every form was printed before it arrived.<sup>1</sup> If you will send abundance of facts about your school, Mr. Ticknor promises to review the Latin Reader, and devote several pages to the marvellous doings, and brilliant promise of Round Hill. You can set forth all your principles of teaching, the advantages of your mode, &c,—and whatever else may

<sup>1</sup> Bancroft's translation of Frederick Jacobs's "Latin Reader" was reviewed in XXI, 246-248, July, 1825.

be thought important. The facts in the Literary Gazette I suppose will do, so far as they go. Mr. Ticknor says he will make from 8 to 12 pages. I wish you would forward the facts as soon as possible. Tell *what* you do, *how* you do it, and what you hope to *effect*. Shall the running title be "Classical School at Northampton," or what? You print elegantly at Northampton. You must call it the "Round Hill Press." Very truly yours,

BANCROFT TO SPARKS

Northampton, March 23, 1825.

[See H. B. Adams, "Life and Writings of Jared Sparks," I, 338.]

BANCROFT TO SPARKS

Northampton, August 27, 1825.

My dear Sir, The last mail brought me yours of the 22, and I was glad to hear from you. You delivered the parcel of flowers promptly & well. I came very near receiving a reward, which to me would have been without price, though you pretend to scoff at the weaknesses of human nature & the gratification of them. I never promised Dr. Popkin, I would send to the N. A. R. an article on his edition. I shall be very happy to do it, if such be your desire and if it should promote your ends. Let me know if you desire an article on this subject at my hands, and if you do the result will show how far I like to meet your wishes.

It is not well for us to receive boys of the age which you mention, unless they are remarkable for docility & love of learning. Yet will you confirm to Mr. Appleton what I wrote him a few days since. He knows our condition and means of teaching. If he thinks it best for his boys to come to us, we will make no objections. We feel sensible of the regard he shows us, by being willing to entrust to us so important and responsible a charge.

You will be pleased to learn that our plans are all prospered, and we may now hope to establish a place of education to continue long after the earth shall rest on the ashes of the present generation. With best wishes for your happiness, Yours sincerely,

P. S. An accidental lameness, occasion by a fall has made a miserable cripple of me for the last four weeks. The heavy hand of imprisonment and debility has been on me, but I am now able to move a little without crutches.

## SPARKS TO BANCROFT

Boston, Aug. 29, 1825.

Dear G. B. Your kind letter is before me. The Doctor did not say outright that he expected an account of his labors; he only gave a broad hint; whereupon I took the hint, and thereupon I did write to thee. I hope you will prepare such a matter as you think proper; either for a short review among the formidables, or a notice in what Mr. Carter, of the Gazette, calls our "Stern Chaser." I should think a Grecian, like the Doctor, should come into the former, if you can find enough to say on the subject; as doubtless you can, for when "Greek meets Greek" there can be no want of matter for work enough. I cannot get it into the October number, but should like to have it in the January number, and hope it will be ready in a month or two.

You give me pleasure in saying that I discharged your floral commission in a satisfactory manner. Well indeed, may I be proud of having had the honor of taking charge of a dried blue flower from the river of the mountains to the main. You are a happy man to have all the smiles of nature beaming upon you from hill and dale, the expanse of bright waters and the blue sky. But how doubly happy to have the good fortune to purchase the radiance of "women's smiles" with the stalk and petals of a withered plants? Ah, happy, happy man! Ascend the summit of Holyoke at earliest dawn and watch the first flower that unfolds its soft treasures to the rising sun, pluck



the simple thing, press it in a book, which breathes living poetry from its pages; then fold it in beautiful white paper, with an ode plaintive as the song of the nightengale, but sweet as the tones of fairies' music; then send it to a fair lady, and be happy for a week. Where is the churl, that will be wretched, when happiness drops like dews of manna from the little flowers, and a purple hue can talk of sympathy, and revive associations, which linger in memory's deep cells, and kindle up the fire of kindly feeling in every corner of the heart? Don't you think I could be a poet? Ah, a most grave and potent poet. I was much gratified with my visit to Northampton, and owe you many thanks for the kind attentions you showed me there. I have heard with regret of your gymnastic accident. Take care that your gymnastics do not turn out to be *gymcracks*. Breaking a limb, or turning the joint of an ankle, is neither of them among the polite accomplishments. They may be dispensed with as branches of education even at Round Hill. I presume you do not set up for teaching the art of neck breaking. A man is safer on the ground than on a gallows, and he had better walk the pavement, than climb a ladder.

Mr. Appleton has returned to Baltimore, and I wish you would write to him immediately that you will take his boys, and let him know how soon you will take them. The youngest is now in Boston. You will have no better boys. My rule is never to turn over a page in writing a letter. You see how egregiously I have violated my rule. Pardon this indiscretion, and believe me as ever Your friend & obt. servt.

BANCROFT TO SPARKS

28 Sept. 1825, Northampton.

My dear Sir, I received last night the volume on Italy, & the very kind letter which accompanied it, & for which I sincerely thank you. The empire of imagination has not yet ceased in my mind, and it is good for me to be reminded of the nature of her government. Feeling conscious of this tendency, I habitu-

ally am slow in forming a decision, and I believe you will find in what I have written no opinions which I need to retract, and very few extravagant expressions. For the rest there is nothing half so delightful to me in the moment of exertion, as the hope of thus being a useful citizen, of contributing in my humble sphere to disseminating the principles of justice, liberty, and learning. There is no man, who may not find a fit sphere for exertion, and if there are any, who can produce no result, it is because they err in judgment, or devote their powers to the wrong service. It is not necessary to have genius or vast erudition, to be highminded and honored. Not every one can be blest with superior powers, and he, who has not been invited to Nature's richest banquet, may yet cherish and respect her gift. There is no faculty I would more desire to possess in an eminent degree than cool, practical judgment. It is the result of careful observation and extensive experience; but some men have it as if by instinct, and in doubtful cases are able to discern what is just and prudent, and in new ones to foresee the probable results.

With respect to Italy the subject presented itself to me as one, on which I could write with feeling, and I may add with learning and with deliberation. I speak particularly with respect to the arts. When in Italy I was unwearied in my endeavors to become acquainted with the works of every eminent master, & in connection with this object I made very extensive studies in the lives and characters of the painters, and the best criticisms on their works, less in architecture, but in sculpture again I was very careful at least to learn enough to justify to my own mind decided opinions on the relative merits of each of the modern artists. When you suggested the subject it occurred to me, that a rapid outline of the physical characteristics of the country, in connection with their influence in dividing the nation into parts and deciding the character of each part, some few remarks on the great political changes of the last four centuries, a few facts illustrative of the present government, an account of the spirit of the Catholic religion in a charitable view, with a lively and,

if possible, picturesque description of its influence on manners and religious sentiments and public display, a defense of the Italian character, an allusion to the men of letters at Milan, an account of the living artists in Florence and Rome, a comparison of Thorwaldsen and Canova and my reasons for preferring the Dane to the Italian, some account of their most remarkable works from their own points of view (for these men, such was my fortune, have themselves taught me how to judge of their works). These are the topics on which I purposed to treat, and which I thought might be worked up into a sober, instructive, and yet interesting essay. My veneration for the genius of Raffaello would have led me to mention a few of his pictures, which are the least known. As Byron was in Italy & I saw him there, & heard him converse of his own life & his own works, I proposed to give an account, at the close, of the influence which Italy had had in forming the minds of so many, Addison, Gibbon, Winckelman, Mengs, Poussin, & others, & so to have touched on Byron's 4th canto of *Childe Harold*, & Madame de Staël's *Corinna*. These are all matters on which I have observed, read, and reflected much; yet I doubted whether it was best to write about them; now I am not in doubt; to produce an effect let every man limit his efforts in proportion to his powers. Those who would be willing to read what I may write, desire to see me rather on some topic of education. If you like what is plain and practical, without tinsel, without any high polish of style, but plain reasoning for common parents, you will like what I have written on *Discipline*. I shall bring it you. As to the book on Italy I will let you know the first half hour of my being with you whether I can review it at all. I somewhat doubt. I never will draw directly on my own feelings to write anything interesting for the public.

Do not think I have ever expected to gain anything that is desirable by any other means than by persevering industry in a good cause. I may waver in my views, how I may most effectually accomplish, what I have received life for; but never in my admiration of virtue, my reverence for religion, my love of



liberty, my desire to promote the welfare and honor of my country. It is little enough I can do at the best, & therefore requires so much the more thought how that little may be made most valuable.

Will you make my kindest regards to Mr. [Green]wood,<sup>1</sup> if he still remembers me. I cannot but promise myself pleasure in seeing him again, and so happy as I am glad to learn he is. Present me kindly at Mrs. Margaret Eliot's.<sup>2</sup> I shall be at Mr. Ticknor's table to dine the 1st of October—if it be possible. Yet the matter is somewhat doubtful. Ever in sincerity and affectionate regard, Yours,

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<sup>1</sup> Rev. F. B. W. Greenwood, a man of much spirit.

<sup>2</sup> Wife of Wm. H. Eliot.

BANCROFT TO SPARKS

Northampton, 14 Nov. 1825.

I sat down this evening and got my books round me for quiet work, when a parcel was brought me containing so much that was pleasant, reviving so many old recollections, and making me compare with such painful interest the past and the present with future hopes, that I cannot find courage to go to dull labor now, and so as I have long wished to send you a word or two I will do it now that I have been reminded of other, far distant friends. The letter which you sent me not long before October remained unanswered, solely because I expected to see you so soon, and could speak with you as I hoped freely, in the spirit of affection, candor, and justice. I need not say to you, that any and all expressions of regard for me on your part are very grateful. It has become principle with me to court no man's friendship, but I value the esteem and affection of the intelligent beyond anything, and as far as my narrow resources extend, am never tardy in acknowledging, valuing, and requiting them. During my stay in Boston I sought you daily though in vain, till you left the city. As to the trifle of the Graec. Maj. I owe it to myself to say, that I wrote a notice for Carter at his re-

quest made to me nearly a year ago. The notice lay in Carter's hands some weeks, months I believe, before he printed it. I will very cheerfully make a little notice for you of them if you wish; and if not as I have made one, you had better have one made, for Dr. (Popkin) deserves the honor. I do myself give little time except what my station demands to philological pursuits, my few moments, which I can win from anxiety and labor I give to the belles-lettres, for which I thank God my fondness has not yet been destroyed amidst all the harassing cares of my situation and the din and clamor of the world around me.

I was once dining at the house of a gentleman of great wealth, who had assembled, (I had reason to think in part or particularly to show me a little attention) some of the pleasantest and most distinguished persons of the opulent families in Boston. Miss M. Lyman was there, to speak of the ladies, Miss Otis, now Mrs. Ritchie, and another. The conversation was various. It turned on the lives and fortune of men. I took little part in it: was cold and reserved. Presently some one observed of men of letters with something of a contemptuous sneer that they were always poor and lived in garrets. I might have replied triumphantly, that in that they pronounced the severest judgment on rich men, which for the honor of human nature I trusted was not a just one. I preferred not to do so; I remained nearly silent, and least of all appeared to perceive any want of delicacy in those who made the remark. All the persons present were my friends, one of them proved it by giving me his name for \$2,000 at a time when my name in business was worth little and when his only security was in my character. But observe this: there is an essential difference between the friendship of men, who are nearly on the level in their external fortunes, & the relation which grows up between the wealthy and those who have no estates but their own time. Poor men, the sons of poor men, children of their own works, depending on their own resources, not for fame & influence only but for their bread and clothing know best how to appreciate the worth of naked humanity. I set a great and undue (it may be) value on personal attachment. Where this

impulse prevails with me, it urges me to do all that I can to show my regard for another in word and deed ; though as I grow older I learn to hesitate longer and more frequently than I used to do. Friendship like character to be of high value, must be perfect in all its parts ; the past & the present must be the guarantees for the future ; and that is the most sincere and most productive of happiness, where there is no collision, no jar, no division remembered or feared. I envy not Burke his fame half as much as that he had it in his power to say what he did of Lord Keppel after the death of that officer. I say no more now. The evening is wearing away, and these short hours of night are all I get for my book, and I have just received a present which merits attention as well as gratitude.

As you see Mr. Greenwood often, I wish you would thank him from me for the sermon he did me the kindness to send me. I would write to him to make my acknowledgements and claim a place in his memory but that I know he is too much occupied to receive and write letters, and I can trust you to speak kindly of me to him. With best wishes for your prosperity and happiness, Truly yours,

BANCROFT TO SPARKS

Feb. 3, 1826.

My dear Sir, I should not think it well to defer noticing Popkin in the N. A. R. any longer. You remember perhaps our conversation in October. I have sent to Germany for the books necessary to treat of the topic then suggested. But they will not come till May ; they can be used for something else if it should [not] seem best to use them at all. Have you room for 8 or 10 pages for April ? If so when must you have them ? the furthest day ? I have been unwell a fortnight with too much work, and labour like a German still, being bound fast as Prometheus to the rocks of Caucasus. And am sincerely, Yours,

BANCROFT TO SPARKS

My dear Sir, Give me leave to make you acquainted with my



friend Dr. C. Follen, a gentleman from Switzerland, of high standing as a scholar and a civilian. The love of liberty led him to our country, and an appointment to a situation at Cambridge will establish him in your vicinity. Let me ask of you for my sake to show him that friendly regard, and favor him with that information, which you may think will be acceptable to him as to one yet new to our country. In the hope to hear of your welfare & health directly from yourself I am Yours truly,  
Northampton, 8 Dec. 1825.

## SPARKS TO BANCROFT

Boston, Feb. 6, 1826.

My dear B. Your short, but very kind favor of the 3d inst, came quickly to hand. I agree with you, that Dr. Popkin ought not to be put off any longer. But the Apl. number is already filled up, and is nearly half printed. To be out in season, I am obliged to be thus prompt in all initiatory matters. I have an article on hand already for July. I should think you had better make a separate affair of Dr. Popkin,<sup>1</sup> in 8 or 10 pp., as you propose. Please let me know very shortly whether this is your determination, and when I shall have it. Let it come as soon after Apl. 1st as possible, for we shall then begin to print the July number. When your books come from Germany you can take your own time for a *great* article. In the next no. is an able article (40 pp.) by Prof. Stuart, on the Hebrew and Samaritan Pentateuch. You must not work yourself to death, nor be too greedy after the treasures of this world. But you are doing great things, and the fruit of your labors are to appear not in the present time only, but in the future ages. Affectionately your friend,

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<sup>1</sup> The review has for title "Classical Learning," XXIII, 142.

## BANCROFT TO SPARKS

Northampton, March 10, 1826.

"Be not too greedy after the treasures of this world," say you

in yours of the 8th Feb. And after what else pray should a man be greedy? Truth is the object which we profess to seek and intelligence the power under whose banners we rally; but in a better world there will be no error to be overcome, no books to be read, no doubtful reasonings to follow, no reviews to be written, no midnight lamp to be left burning, but truth will shine clearly in her own simple majesty, and there will be an end of all the apparatus of the inquirer. Not be greedy after the treasures of this world! I went to a friend's wedding last week. I hope he is a happier man than he was. A good wife, with beauty enough to satisfy, warm affections enough to cheer, intelligence enough to please, cheerfulness enough to enliven the dark hours of this mortal state—that is not to be coveted, say you? Oh you are a saint, and heavenly minded; for in heaven there is no marrying nor giving in marriage, but men are as the angels. Be not greedy for the things of this world. Filthy lucre and the rest; be they abhorred and spurned: to be sure a man may be as it were the only son of aged parents, and they be poor; and he may have seen a race of elder brothers swept away from his side by the irresistible hand of fearful destiny, and may have all the duties of son, brother and man pressing upon him: yet let him not think of this world but fold his hands in contemplative indolence, and watch the courses of the stars or the breaking of day, and muse with unseen spirits, never striving to have his name respectfully uttered, where things are doing, and satisfying all the ties of nature by a cold obedience and barren affection. Fie on your morality! The only way to show you are fit for a better world, is to show yourself not unfit for this. But peace of mind; aye, there it is; that is a good, a real good, beyond price, and not of this world. They say that in heaven all is pleasant and tranquil; that the spirit of love, emanating from Infinite Intelligence, pervades the clear space, diffusing liberty and joy; that there is no jarring of dissonant chords, no contention of mind with mind except in common efforts, no confusion of wills respectively claiming the mastery; but that all are in harmony with one Supreme Will, all gain entire independence by voluntary

obedience, entire union by unity of service, entire mutual affection by common attachment to that which is great and holy and powerful throughout eternity. . . . What miserable creatures we mortals are. The most glorious field for action is opening before us, and in our dissensions about the means we forfeit the end of exertion: the widest field is opening too, and we insist on running f[oul] of one another & rudely jostling one another as we pass. We must have our personal bickerings before the altars of Duty herself, and while we pretend to be engaged in the sacred service are in fact worshipping our own earthly passions.

Touching the review one shall be written and offered you, a short one for the time being. As to the rest, I have my head full of ideas. Some of which seem to me to be clearly true, practical and important; I have many times had my pen in hand to write them out and send you; but I have feared lest my ideas might not be yours, (yet on the whole I am not afraid of that for I will print nothing but what is true and I can make appear so) or that perchance my manner might not suit you. And that I cannot change. In my intercourse with men I acknowledge no standard but reason and justice, and by them I stand in good report and ill, in friendship and where friends become enemies. When I attempt to communicate the results of my own study or the fruits of my own observation, I should hold myself unworthy of addressing the public, if I held any other object in view than the public good, or submitted to any other tribunal than that most equitable of all, the judgment of the public. To that I hope one day to speak, and not ineffectually, unless the heavy burden of passing duties buries me under its weight. Truly yours,

BANCROFT TO SPARKS

Northampton, 16 March, 1826.

My dear Sir, I yesterday received a very interesting letter from the sister of Mrs. Hemans. It communicates with great deli-



cacy some interesting particulars respecting her character and situation. I wish very much to make a notice of her works (Mrs. H's), which are very popular in the country wherever known. If you can spare room, I wish you would let me know it; and the number, whether July or October, in which you would wish it to appear. Mrs. H's. poetry is probably well known to you. If not I recommend to your eye her *Siege of Valencia*, which gives a very just idea of her moral worth and her literary merits.

I have some hopes of the pleasure of visiting you and other friends at Boston next month, but am not yet able to make any precise disposition of the short holidays. We are all well now. Truly yours,

## SPARKS TO BANCROFT

Boston, March 19, 1826.

My dear B. Yours about Mrs. Hemans is in hand. I shall be very glad of the article. Mrs. Hemans corresponds with Mr. Norton, & has lately written him, I understand, that an edition of her works is to be published in New York. This prevented Mr. Norton's project of publishing them under his own eye. You had better wait, probably, till the American edition comes out. When you write to New York, you can inquire how it is. The particulars I know not. I presume the work cannot be expected soon enough to prepare an article for the July number. I am to set out in three days for the Southern States. Please send your article on Dr. Popkin as soon as [possible] to Mr. Folsom, care of Frederick T. Gray, Office of the N. A. Review. I thank you for your letter of 10th instant containing many wise sayings, on which I have not now time to remark. Go on and prosper. Yours very truly,

## SPARKS TO BANCROFT

Boston, July 31, 1826.

Dear Bancroft, By the stage tomorrow I shall send you Mrs.

Barbauld's works, and hope you will make a review to be ready by the 25th of August.<sup>1</sup> I consider it one of the best subjects now before the public, opening a field for much writing, and fine thinking. Mrs. Barbauld certainly stands very near the head of the very first rank of female writers, of any age or country, whether you regard her original genius, and vigor of mind, or her cultivation and the variety of her productions. The theme is a noble one, and I hope you will have leisure to do it justice. I like your last article much. The account of Wolf is drawn with much discrimination, and as a critical piece it possesses strong interest. The remarks on classical learning are apropos. Dr. Popkins is puffed perhaps a little too roundly, but he is no doubt great in the "authors." Your oration I have read with great pleasure. Your thoughts are good and well expressed. I only wondered that you should forget South America in tracing the progress of freedom and its effects. This topic would have enlarged your field prodigiously. I have been to Georgia and other places. Please reply immediately, and send the books back if you are so cruel as to decline. Yours truly,

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<sup>1</sup> Anna Laetitia Barbauld.

BANCROFT TO SPARKS

Northampton, August 2, 1826.

Dear Friend. I received yours of July 31 in due season; but the books did arrive till last night. If there did not exist a new claim on my leisure, I believe I should not have allowed you to expose in view a wish which I could gratify. I do not think Mrs. Barbauld possessed a genius of the most exalted kind: uncommon she certainly was, but except some of her fine hymns I do not find myself strongly moved by her works. I respect her industry and her virtues, but when I drink of the water of Helicon I know where they flow more plenteously. Or, is she so interesting from having been sixty years on the stage? Yet she was in no elevated situation, the humble wife of a humble

school master ; and exercising no influence upon the great events of the day, and yet intimately connected with them. I like her character of Johnson, vol. 1, page 255, mightily. I appeal to you if the following (speaking of the future) is not almost bawdy.

To virgin's languishing in love  
They speak the minute nigh ;  
And warm consenting hearts they join,  
And paint the rapture nigh.

If the article on Wolf had any merit, it was from its truth. All that I said of Wolf was drawn from an intimate personal knowledge. But these things do not interest the world ; I have not found a man who cared for it, though when I wrote it, I thought it might have interest from its minute and faithful account of a most astonishing man.

And my oration ? You have read it ? And yet think I forgot the S. Americans. Pray read page 9 and 10 again, and see if I have not spoken of them as a lover of liberty should. For amplification I had no time. If you wish for a *belle lettres* article and are willing to trust to me for it, I will wait the four days beyond the 25th which must expire before I hear from you, and will let me have a letter Monday next. I will write you one on Mrs. Hemans, and put into it two pages of sober, discreet praise of Mrs. Barbauld. The books I return, since I can get them in this town, if you wish me to do as proposed. I think it is time, you said something of Mrs. H., and never a better moment than now. The review would appear just about the time of Mr. Norton's affair, and please him, the authoress, and myself, and take its chance of pleasing the public. Truly yours,

If you have Brougham on popular education, I wish you would lend it me.

SPARKS TO BANCROFT

Boston, Aug. 5, 1826.

Dear B. Yours has just now come into my hands. I am sor-



ry you decline the article on Mrs. Barbauld, and more sorry, that you should have such false notions of her genius and character. Have you read her prose? I know of no female, who has written on kindred subjects with more vigor or taste. That she was the wife of "a humble school-master," and was little in the great world is one of the wonderful things about her, considering her success. Whatever influence she "exercised upon the great events of the day," it is quite certain, that, if you take young and old, no female writer is now exercising so great influence over the people of England as Mrs. Barbauld. In the great characteristics of mind, she is as much above Mrs. Hemans, as Mrs. Hemans is above Lydia Huntley, and this without any disparagement to either.

I forget what I wrote you about a review of Mrs. Hemans, but it seems to me inexpedient to meddle with it till the American edition comes out. After that time I should of course be very glad of an article from you on the subject; and yet after the pains which Mr. Norton has taken to bring her works before the American public, it would seem proper, that he should write the review if he wishes to do it. This I am sure you will think reasonable, and I speak thus frankly to you, that there may be no possible cause of misapprehension. I shall say the same to Mr. Norton. The matter had better remain in statu quo till the book appears, or at least till it is in press. My copy of Brougham is lent, or rather lost. I tried to find another some time ago, but failed. Let me congratulate you most heartily on your future prospects. You are right. A man is not half a man till he is married. May you live a thousand years. As ever yours,

BANCROFT TO SPARKS

Sunday Morning, October [24], 1826.

My dear Friend, When a friend gives me an opportunity of saying yes, it is very unpleasant not to do so. You would not like my views about Judge Story's address. I do not think so

highly of it, as many express themselves. The generous enthusiasm for letters is honorable to him: but there is no point, no consistent and continuous train of thoughts. Besides, just at this moment the whole care of organizing the school for the new session comes upon me, and I see no hope of a day's leisure before thanksgiving. Ready to promise and faithful to perform: this was the character you gave me of old. You must not consider me as forfeiting it by my declining now. Do not you remember too how angry Somerville was with you and me? And do you know, that while you reproached me for praising Popkin so much, Popkin was vexed at being spoken of so little? In great haste, Very truly yours,

## SPARKS TO BANCROFT

Boston, Oct. 30th, 1826.

Dear B. "Not a day's leisure before Thanksgiving?" How is this possible? Every man has leisure, abundance of leisure, leisure moments, minutes, hours; and are not days made up of moments, minutes, hours? And are not reviews written in moments, minutes, hours? To be brief, I will not press you on the affair of the Phi Beta; but the new "Greek and English Lexicon" by Pickering at alios you *must review*. Say not, *no*. It will not be accepted. Talk not of being married, or of "organizing the school": it will all avail nothing. Write 6 pages on the Lexicon, if you have no more time; or as many pages as you like. It affords an excellent opportunity for discussing the question of the priority of Greek or Latin in studying the languages. The fashion of beginning with Greek is coming much in vogue, and will increase as dictionaries in English and Greek multiply. It seems to me a good notion, but it is a topic to discuss in the present stage of things; as well as other things connected there with.

"Popkin was vexed at being spoken of so little." Who cares? Did anybody ever write an article that pleased everybody? Such an article would be too insipid for any respectable

publication. Half the opinions of men are errors, and if you tell truth you must offend half mankind. Are we therefore to refrain from telling truth? *Οὐ δοκῶ* Go on, and review the Lexicon, as a scholar, and a man of independence; give all due praise and talk like a sensible man, and let those complain who will.<sup>1</sup> I will give you till Nov. 25th. Longer I cannot,—longer you want not. Please reply immediately and say "Yes," and oblige Your sincere friend,

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<sup>1</sup> Several persons had refused to review this book. Its author, John Pickering, was a son of Timothy Pickering, long at the centre of federalist political circles in New England. The son had his father's papers, which Sparks wished to see.

#### BANCROFT TO SPARKS

Nov. 2, 1826

And so I must put by the pleasant occupations, with which I intended to fill up my few moments of leisure, and defer those matters of private interest, which I have already deferred so long. Well, be it so. The character of Pickering's book, the mode of instructing in the ancient languages in reply to the Hamiltonian system, the priority of Greek studies, the present state of the question as to classic learning among us, and the proper topics, and in less than 15 or 20 pages cannot be discussed. I will not say anything, as to my own feelings about this business. Literature I love, and the truth I inquire after I fear not to tell; but reviewing is a bad business. You see the very thought of it makes me sad and prosing. You shall have the article in due time, lively but just, containing no hasty statements, and no unmerited censure. Very sincerely your friend, Northampton, Nov. 2, 1826.

P. S. I need the last or the two last volumes of Schoel's *Hist. Lit. Grecque*.<sup>1</sup> You must borrow it for me. Hilliard, Gray & Co. have a copy. But I cannot afford to buy it. Nor you. I can do without it sir, but not so well. The other books I have.

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<sup>1</sup> Maximilien Samson Frederic Schoell, 1766-1833, a German historian and diplomatist.



## BANCROFT TO SPARKS

Northampton, Nov. 10, 1826, Thursday Eve.

Dear Friend You need not send me Schoell. I have read him, and have got better books and newer. I find myself possessed of all the documents necessary to write a thorough review of Mr. Pickering. I can send an elaborate and learned article, if you will. Only for that it must be long. What limits do you set me. I shall bestow the praise so justly due to Mr. Pickering, yet freely and calmly point out the many weak sides of his work. And may need forty pages, and perhaps from 15 to 35 will do. Yours truly,

Answer to my limits by return mail. Schoel's book is of little value. Why have you taken no notice of the new edition of Buttman's Greek Gram.? It is worthy of a better fate than to be received silently. Thus was a great deal of industry bestowed before the short new preface was written. My intention is to write 6, 8, or 10 pages of a Greek and English lexicon and to print it in one column, and in the adjacent to print Pickering's. Compare them who will and judge of Pickering's in the fairest of all ways. Tell [the] truth. Will you publish it if I will tell it? And print a sharp thing, if I can write one, and a justly merited one? Answer me to that.

## BANCROFT TO SPARKS

Northampton, Nov. 10, 1826.

Had I received your favor a few moments sooner last evening, you would not have heard from me last night. I was afraid, you would put yourself to too much trouble to get Schoell, and, as I have since then obtained the original works which I needed, I could have done without it. I am sincerely obliged to you for sending it (it has not yet arrived, will come probably tonight), and it will be of much use, though the new books I have, would have enabled me to do without it.

And as to the matter itself, I mean to write an article, if

possible, not unworthy the journal and the subject, and that shall be pleasant to you and me. Do not infer from my first letter, that I do not do this cheerfully; I do it for you with all my heart, and am now considerably interested in the subject. Yet not one word is yet written. And as to the length of the article, I cannot do the subject justice in less than ten, and nobody will read more than eighteen or twenty pages. As to Mr. Pickering, all praise that is deserved must be allowed him. And I shall at the same time hold it a duty, to show, that all is not done because a little has been done well.

Mr. and Mrs. Hall are receiving little parties from their friends. We have Mr. and Mrs. Hodgkinson here also; but I have no time to visit them. How independent is a scholar's life. His occupation, his excitement, his pleasures within his own control. If safe against anxiety for worldly support, his hours may be jocund and his thoughts all roses. This last is a quotation. Quite sentimental for a reviewer of Lexicons. Yours truly,

SPARKS TO BANCROFT

Boston, Nov. 10, 1826.

Dear B. Your letter has come to day, but Schoell was packed off three days ago, and you have probably received it. As it is borrowed you must send it back soon, if you do not want it. As to limits, take what you like,—only be ready Nov. 25th, as agreed. Be learned, or popular, or both, as you please. Criticize justly, but with good temper, and with due respect for so high authority as Mr. Pickering. He has great merits for his literary ardor and acquisitions, in the midst of a laborious profession, and it is not to be dealt lightly with, nor should his works be examined with the same acuteness, as one coming from a professor of the language. Besides, he makes no high pretensions, and in such case it will hardly be just to be very free with censures. I imagine he has accomplished nearly all he attempted. Moreover, his coadjutors seem to have taken the greater share

of the work. And after all it professes to be only a translation of Schrevelius, and all great defects must be in the original author. Mr. Pickering may have committed a mistake in translating such an author. Of this you must judge. In short, treat the matter as your judgment dictates, only take care to discriminate in your praises and censures, both as to persons and things.

I do not much like the notion of printing your sample of a Greek Lexicon. If this is necessary, I hope you will content yourself with 3 or 4 pages. The new edition of Buttman I have never seen. You should have set somebody to notice it. That is the way to do things. I cannot keep the run of the whole tide of literature. I will look up a copy and have it noticed in the next number. Meantime I am with sincere regard Your friend,

P. S. Write all proper names and hard words exceedingly plain.

#### BANCROFT TO SPARKS

I have won a day. The review, which I promised, shall be despatched this night. Of course you will have it the 24th. I claim for it the merit of being candidly and carefully written. As to the Greek quoted, and the names, they are written most exactly. Where I use the marks of quotation before a Greek word "do not let them in printing be confounded with the aspirated ' . You will probably think best to print it all in the same type. I should wish it so, if my wishes were to be of any avail. You may depend upon all facts being stated on sufficient authority. I have not committed either [myself] or you. Were you to examine me by the common books I should be found wrong, but those very books I am bound to condemn and have my more recent and more accurate authorities. All the new works were before me as I wrote, and the force of my expressions carefully weighed. Pray acknowledge, the receipt of it, as soon as you have it and shall have read it.

It has occurred to me that an article on [the] Connecticut River would be a word in season. To collect all statistical facts



on the nature and extent of business done on its banks, the water power of itself and its tributary streams, the present condition of the manufacturing interests, the feasibility, the expense, and the manner of improving its navigation—these are some of the chief points I should treat. Perhaps a historical notice occasionally interspersed would enliven the whole—comparisons between the present and the past; more like your article on Baltimore than anything I can think.<sup>1</sup> I say not that I will write such an article, I ask if such an article would be acceptable to you, if executed well and with a thorough knowledge of the facts. If so, then I will ascertain if I can collect the necessary facts and you shall hear from me again in December. On this I wish an early answer. I send you the article on Gr. Lex. in the confidence that it is calculated to advance Greek learning among us. Pickering himself, if a man of moderation, must acknowledge its justice. Truly your friend,

(The postage will be heavy) Send to Earl's, and if not there—as I shall certainly send the parcel and in the regular time—you must hunt it up. The parcel is directed Jared Sparks, Boston, to be left at Earl's.

Wednesday, Nov. 22, 1826.

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<sup>1</sup> See *North American Review*, XX, 99, January, 1825.

SPARKS TO BANCROFT

Boston, Dec. 1, 1826.

Dear B. Your review is in press, but the first part a good deal altered. It was read to two of our best Greek scholars, one of whom did not know who the author was, and they both said most unequivocally, that they thought your criticisms too severe, and your general tone of remark not altogether suited to the dignity of the subject. In these I agreed with them perfectly. By the mode of criticizing which you adopted, Stevens himself might not only be made very imperfect, but ridiculous. You may depend the article as you sent it would have given no pleasure to anybody, but offence to many. It was important to re-

tain the Scripture proper names, because one object of the Lexicon is to aid in reading the "O. & N. Testament," and pupils must know how to decline these words before they can read. On the whole I thought best to omit your verbal criticisms, and I was obliged to throw in two or three short paragraphs of my own to connect matters together. As the thing is of very little importance, I presume you will have no objection to what is done; and if you should I cannot help it, as there was no time to deliberate. Your observations on Greek Lexicons generally are so valuable that I could not part with them, and as things now stand the review of the said Lexicon is a secondary affair in the article. It is headed "Greek Lexicography." Pickering's enterprise was certainly a praiseworthy one, vastly more laborious, than honorable, and the result of criticisms on it should not be a severe censure, but rather a commendation, whatever the minor faults may be. It is observable, that you do not point out any other single work which ought to have been taken in preference.

Your Connecticut river project is an excellent one, if you have the patience to collect all the materials. The article should be written with method, condensed, abounding in facts on everything relating to the resources, commerce, navigation, canals, &c, &c, of the River; and all the manufactures on its tributary streams. Let me know shortly whether I may depend on the article Feby. 10. My article on Baltimore was called very heavy, except by those, who were interested; but the making of it was a great labor. Mr. Norton tells me, that he has talked with you about Mrs. Hemans (Hemmans I understand is the pronunciation) and that you are to make a review for the N. A. Review. He has written for the Examiner: so between the two stools I am likely to come to the ground. I have beset Greenwood, and hope to get an article out of him, but am doubtful. Truly yours,

P. S. I have got the French book, but should have been much better pleased if you had sent a notice.

## BANCROFT TO SPARKS

Monday, Dec. 5, 1826.

My dear S. How far I may have any objections to the course you have taken with the review, which I reluctantly at first, and then, having overcome my reluctance, very cheerfully wrote for you, I cannot say, till I know more exactly what you have done. If you have gone so far, as *essentially* to change the character of the article, I owe it to myself to resist and refuse the changes. It become me most on this occasion to be silent; and next to silence, it become me most to speak the truth. The general tone of remark in the article is earnest and solemn, except where there was some folly to be reproved, or some sneer as in the last page to be replied to. The style is lively, but not impertinent.

I like it not that you call the review *too severe* without reason. Point out one error in my remarks. Show me one single word of Pickering's perverted, show me one single statement in which anything is exaggerated, tell me of one merit of his I have omitted to mention, one sentence I have written ascribing and magnifying errors, and I will own my criticism too severe. But if every word is true, and there is not the least pretense that truth is distorted or placed in a wrong light, then have I done well and justly what you asked me to do, and what I ought to have done.

But the severe mode of criticism would make Stevens ridiculous. You cannot be very familiar with Stephanus to say that. The mode of criticism is one which I learnt in the schools of the best masters and leads to the result the article states about Stevens. It is the only fair criticism, careful and minute: any other is superficial and deceptive. But the article would have given no pleasure to anybody. That is a mistake. The public is always with those that tell the truth. It would give offence to many. I knew it and told you so beforehand. You encouraged me to write freely, and rightly said to my fears; Who cares? "*It was important, however, to retain the Scripture*



*Proper names.*" Much you have examined the subject to say that. Nobody of character has advocated that opinion for more than seventy years just [?] past. Valcknaer and Ruhnken; and Wythenbach, Schneider, Riemer, and Passow are the authorities, whom I followed, and think they were right, though your two Boston advisers may remain of the old opinion.<sup>1</sup>

Why did you put me to the trouble of writing a careful article? Why did you not say at first, you wanted a milk and water thing, suited to the meridian of Salem and Boston? I looked at the country and at the truth. To have written what it now seems you wanted, three hours would have been sufficient. I have wasted my time: my good nature is made a fool of. I, too, on first reading over my review deemed it sounded too severe. I went through it with most scrupulous care to erase all that could be. A personal friend of Mr. Pickering came to me, and urged me to treat the book courteously. I read him my article slowly and carefully, and asked his judgment. He assured me I was on the right side in matter and manner. The man was my friend too, and likes to have the truth told.

As to the criticisms I read them all to Bode.<sup>2</sup> He very deliberately considered them. There is not the slightest error in them. I say this, not on Bode's authority; for every remark I made, I have two and commonly more authorities. Further, I deserve all commendation for I spared Mr. Pickering and held up Schrevelius as his screen.

You have not treated me well in this affair. An editor of a review, if he is dealing with a man who deserves and claims respect, may reject an article, if he will. He must judge what under all circumstances he ought to do. But to change it without the consent and without the knowledge of the writer, is not to be justified. A hireling writer, or a novice will put up with it. A man of honor and independence, one worthy of writing,

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<sup>1</sup> Louis Gaspard Valchenaer, 1735-1785, and Daniel Wyttenbach, 1746-1820, were Dutch philologists. David Ruhnken, 1723-1798, Jean George Schneider, 1750-1822, Franz Passow, 1786-1833, and Friedrich Wilhelm Riemer, 1774-1845, were German philologists.

<sup>2</sup> George Henry Bode.

never will. I do not wish to make a difficulty. If your changes are not essential, that is, if it leaves the impression on the reader's mind strongly and unequivocally that Pickering has not supplied the want of the public, but only done moderately well, while better things are needed, I will be quiet, and let the matter go. If you have gone so far as to praise Schrevelius, I will have no lot nor part in it. Writing is action. I had as lief cheat a man of money as give him an opinion which I know to be false.

If the manuscript is not yet in press, the shortest way would be to return it with your remarks, or, if you prefer, to return it for good. I have no object to gain by its appearance. I should say do about it as will please yourself best, always respecting my right to my own way of expressing my own thoughts. I have just read an anecdote to me entirely new. One of Frederick the Great's ministers came to him with a long story against Homer and Virgil and Plato, and that sort of people, and presently began extolling the inventor of the herring-fishery to the skies; so said the king, you love to eat herrings, I suppose.—Capital. A sharper thing is seldom uttered. And now, having done growling, and I hope quickened your conscience to take the lead in everything like improvement, I remain, though fond of my own way when I write, and not liking a censorship, Your friend

If the article is already printed, I beg you to send me my manuscript, and a copy of the printed review.

BANCROFT TO SPARKS

Tuesday Eve, Dec. 6, 1826.

My dear friend, Last night's mail brought me a letter from Mr. Pickering in reply to one of mine, with which I had sent him a copy of Riemer's Lexicon and in which I had explained to him my views. I deemed it right not to take him by surprise in the number for January, and also to bear myself whatever dislike my criticism might excite in that quarter. His letter is friendly, conceding most points; yet persisting in one or two errors; on

which he needs further information. I will not believe you can have done with my article, what the broadest interpretation of your letter would lead me to suppose. A thousand things come on my mind, which I could say, why it ought not [to] be, and why you therefore have probably not done so; but I cannot argue on this point. My duty is a plain one. Essential alterations I will not permit. The tendency of the article must remain such as I wrote it. I have turned the matter over in my mind, and I owe it to myself to be decided. Nor deem this unkind. Friendship may lead me to write for you promptly on such a subject as you propose, but it never can require me to make a compromise with truth.

I owe it to the cause of learning, if I speak at all, to raise my voice, however weak, against the perpetuating old abuses, the continuance of what the improvements of man two hundred years should have thrown aside. To Mr. Pickering personally I have no ill feeling to gratify; praise him personally if you will, but let the truth stand. Remember your own review of Everett. Remember your own remarks (yours I suppose, excellent, whoever made them) in last number of the N. A. R. on freedom of criticism, unimpeded by personal feeling; remember your own letters to me. A day's reflection has confirmed me in my views. I will not be found bolstering up ancient prejudice, after having with almost unparalleled success contended against it till the victory is won, and only the laggards remain to be routed.

Pickering himself says to me, Do not think I differ from you in your opinions &c &c—but “the time has not come,” and then praises the Germans, acknowledges their superiority but says we cannot screw our teachers up to the mark. As if men would value a good candle the less, for having had only a rush light, or from living on saw dust not know how to relish a plumb pudding. Fight the good fight of faith and you will find the strength of the country round you. Otherwise,—but forgive me, I go beyond my privilege in speaking. Yours sincerely—

N. B. I have written Greenwood, offering him Mrs. Heman's letter to me, if he will but write a review.



## BANCROFT TO SPARKS

My dear S. I received night before last your favor of the 11th, and late last night the sheets of the review. Your omissions and additions do in my view essentially change the character of my article. The remarks which you have added, do not accord with what I have publicly and privately expressed; and on the whole the article as it now stands is calculated to convey an impression entirely different from what I designed. I cannot as a man of honor, take part in this or permit it, without forfeiting my claim to self-respect. In the cheerful sacrifice of my personal tastes and comfort to gratify your request that I would write on this subject, a request expressed in a manner too earnest to make me willing to refuse, I could have foreseen no such result. I forgive you for what you have done; but I call on you to repair it in the best manner you can, now that it is not yet too late. I protest against the publication of the article as it now stands; I absolutely refuse my consent to it; I go further: if I have any legal right to forbid it, I exercise that right. The delay in publishing the number and the loss you may sustain are small evils in my mind, compared with what I should otherwise be called upon to suffer. There is but one condition on which I am willing to recede from my demand to have the article cancelled. It is, that you will publish in an integral part of the number, in a place as conspicuous as that of the article, in the same type, a paragraph from me, disclaiming as far as I am concerned, the first part of the review, declaring that it gives no adequate, nor correct idea of my views, and that, having written an article at your urgent entreaty, this article was essentially changed in its character, without my consent or knowledge, and that the change, so soon as it became known to me, formed a subject of immediate and decided remonstrance to you on my part.

I told you writing reviews was a bad business. You see it has resulted in no good to me. I do not enter into a justification of my article; partly because it is quite enough to write one,

and partly because you have not controverted a single point in it. I did not write it in contempt of the opinion of others: I only made choice of the guides whom, from their knowledge of the subject, I hold it safest to follow. The manuscript you can have no further use for, and I have need of. I wish you would send it to me as early in the week as you conveniently can. I wish also to hear by the earliest mail, what is your final decision, that I may conduct myself accordingly.

It is very painful to me to be compelled to this course. I write to you without any excitement, in perfect good nature, and after consultation with several friends, who have given me but one opinion of my duty and yours. I mention this, that you may know it to be in accordance with, not in contempt of, the opinion of others, that I now act; though a man, when he is doing right, or maintaining truth, needs only the consolation of his own judgment and conscience. With best wishes and sincerity, Yours,

Northampton, 13 Dec. 1826.

SPARKS TO BANCROFT

Boston, Dec. 18, 1826.

My dear Sir, As you take the matter so much to heart I am truly sorry, that the article was printed, but there is now no help for it. To cancel it would require another article of precisely the same length to be put in its place; but no such article is written, & not a moment of time remains for doing it. Your plan of printing an explanation, even if it were proper in itself, is now impossible, for the whole work, to the end of the last signature, was through the printer's hands before your letter arrived. I shall give directions to have your manuscript sent immediately by stage as you request. I leave home tomorrow morning for the South, and any letter addressed to me under cover to Mr. Everett will reach me. Meantime, I wish you would inform Mr. Norton immediately as to your decision on the review of Mrs. Hemans, because if you decline some other person must be engaged. I am Your friend and obt. servant,

## SPARKS TO BANCROFT

Baltimore, Jany. 2d, 1827.

My dear Sir, Your note of 27th ulto has just been received. I regret, as much as you can, that the article was printed, since you have such impressions of the business, though I have no sense of "worry" in the case, and can only wonder again at your strange notions of an editor's task, and of these things in general. I believe there is no mortal whose views on the subject in any respect resembles yours; and if all writers were thus minded, an editor's condition would be very much like that of a toad under a harrow. No man, in fact, would stand to such a post long. But let this pass. I left the review of Mrs. H[emans] with Mr. Norton and Mr. Palfrey, and wish you would write to one of them as soon as possible your decision. Mr. Palfrey takes charge of the Review in my absence. You draw a sad picture of the effects of orthodoxy. Perseverance will lead to triumph. Go on. Live down opposition. Defy calumny, defend right, enforce truth, and all good things will follow. Truly yours,

## BANCROFT TO SPARKS

Northampton, Jan. 18, 1827.

Dear S, I suppose you know, that Chancellor Kent has published a great book, of which I will not give an account from hearsay, though I anticipate much pleasure from reading it. Judge Howe of this place is as you know a man in every respect of the highest worth and singular sagacity as a lawyer. He is an admirer of the virtues and worth of Chancellor Kent, and would probably explain the merits of his (the Chancellor's) book better than anybody we know. I write to you now, to say, that I believe Mr. Howe would write a capital and excellent, and to all concerned very valuable article upon it, and one in every respect satisfactory to the friends of Chancellor Kent, and creditable to the N. A. Review, if you were to invite him to do so. If you like this idea, and I do not see, why it should not



be highly desirable to you, you can send me a letter to be shown Judge Howe, or what is better write to him yourself about it.

Do not *wonder* at me for liking gentlemanly intercourse on equal terms. I respect your independence as much but not more than my own. Be the past forgiven and forgotten, or if that phrase is wrong, at any rate forgotten. If it is folly to be anxious for tomorrow, it is criminal and excessively foolish to worry about yesterday. Matters being put on a right footing, it is enough. In truth your friend,

## BANCROFT TO SPARKS

[n. d., postmark Northampton, Aug. 18, 1827]

My dear S, I was glad last night to get some direct signs of life from you. I have heard and read much of your great doings at Mount Vernon, and rejoice to learn of your design of visiting the old world, to get, if it be possible, the important documents contained in the British Colonial files. I write this evening that I may promptly acknowledge the pleasure I have in hearing from you. The two points, to which you call my attention require a little deliberation before a decisive answer. Early next week you shall have the best of my will on the one topic, and the best of my views and opinions on the other.

The Valley of the Connecticut is just rising in business, population, wealth, and science. The character of the population is advancing. I sincerely think it the fruit (?) of New England, destined to rise most rapidly. Do but think of Vermont, which is already so distinguished for the enterprise and shrewdness, and moral honesty and as it were native philosophy of its people. What is a state like Georgia in comparison with it? I suppose you are aware of the almost unexampled increase of Springfield, and Northampton in the last four years, and the great prosperity of Hartford? But I go further than I meant tonight. Early next week I will write you at large. Tonight I merely intended to own the receipt of your friendly letter. Meantime, no more "most obedient servant," at the close

of an epistle. It sounds too much like a letter of formal business. Wishing we could see you here, as we did not trespass on your courtesies at Mount Vernon, I remain Very sincerely yours,

BANCROFT TO SPARKS

Northampton, Aug. 25, 1827.

My dear friend, My uncertainty in answering you on the subject of the River arose from my wishing to consult one or two gentlemen who are most acquainted with the details on the subject. I am now obliged to say, that nothing less than a personal tour from Enfield Falls to Barnet would enable me to gather the information, without which neither you, nor the public, nor I ought to be satisfied. Such a tour I contemplate and have still in prospect, if Heaven ever blesses me with fifteen days of leisure. I cannot but add that I think your article on Baltimore was judicious, well written, and of permanent interest, worth a dozen doses of sentimental criticism, and that similar articles on various sections of the country would be of great and general value.

The Valley of the Connecticut is but just coming to a consciousness of its resources. Agriculture is fast improving, and the lands, hitherto desolate, our farmers are fast bringing under culture. You know what vast expenditures, chiefly for the cotton business, have been made at Ware, Three Rivers, and Chicopee. Besides this there are very large manufactures of paper, which are constantly increasing, and which already do a prodigious business. But I mistake if in a few years the *woolen* business does not flourish here in the greatest degree. The country is, you know, suited to pasturing; and the hills and light soils do well with sheep. Thus we shall produce the raw material and manufacture it. I am possessed of some interesting facts on this topic, but not extensive enough for our purpose.

Meantime, our own village is almost the most thriving in the Commonwealth. I feel myself identified with it, and indeed it

is not without a joy in creation and a sentiment of gratitude and pleasure, that from the balcony of my own house I am able to look out upon so busy and so prospering a country. My prospect extends through various openings in the hills to the Monad-neck of N. H. on the north; on the south the view is bounded only by the mountains in Stafford Conn. and the intermediate distance crowded with objects of interest, lovely scenery, and numerous villages.

The Germans will need in their libraries your papers of Washington: but they will prefer your original edition. Two volumes might find a sale, if they were composed of letters, most illustrative of the character of the man. The limits to your profits would be \$750 clear of expenses; but I think would not probably exceed \$350. It would be a high price for a publisher to pay \$12 per 16 pages 8vo., and no Christian, even in Germany, can translate for less than \$4 per 16 pages. I think you could get it well done for that, or for \$6, decently for less. It would not do to have the two volumes exceed 1200 pages, and the demand for the book would be less than 1500 copies. So you can calculate the costs and profits yourself. I should say, that you or the American proprietor could hardly expect more than \$500. But the South American Republics, Mexico and Guatemala! Your *pets*: there is the field for you.

You are a lucky fellow; selected by a favoring Providence, to conduct a good ship into the haven of immortality, and to have your own name recorded as the careful pilot. But I envy not Croesus his wealth nor you your glory. With great regard yours,

SPARKS TO BANCROFT

Boston, Sept. 10th, 1827.

Dear Bancroft, At this moment I have only time to thank you for your two kind letters. As to the Valley of the Connecticut, I must leave it with you. I know something of the labor of pre-



paring such an article, and would not insist on your doing it, tho' I am sure it would be valuable, if patience and time would enable you to procure materials. But lay up the subject for the present in a pigeon hole of your pericranium, as a thing that may be. Your German talk is good. I have also held a palaver on the subject with the renowned doctors Follenius and Lieberius.<sup>1</sup> The thing will very likely come to pass. But I can tell better after I visit Leipzig, which will be next summer; before which time I shall endite other matter to you. Truly yours,

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<sup>1</sup> Professor Charles C. Follen, of Harvard, and Francis Lieber.

BANCROFT TO SPARKS

Nov. 11, 1827.

My dear S. I enclose a letter for Lappenberg. He is a grand, good fellow, the best man for you at Hamburg by all odds, and quite a rummager of archives. He talks English fluently. Mrs. Hertz [?] is a blue stocking, talks English admirably well, German, Italian, French, or anything else. She can tell you all about Berlin. She is a widow and not of the nobility. The letter for Countess America Bernstoft, I do not enclose in an envelope, but you must, before you give it, sealed with wax, and with proper flourishes. The Germans are great sticklers for titles. She talks English a little: the letter itself will show you, what chord I have touched to get an interest in her for you. In winter she is at Berlin. Get the book well bound. Shall you go to Leipzig? When do you sail? Shall you visit Göttingen? Do you wish for a letter to Heeren? Where do you sail from? Tell me, if I can serve you in anything, and you need not doubt of my disposition to serve you.

Mr. Everett it seems is to conduct the N. A. R. in your absence. It could not be in better hands. It is not improbable I may be a regular contributor to it in your absence. As I have to get my living by my wits, it is proper for me to state to you, if you are the person concerned, that the few pages I can find time to write and am willing should be printed have a value in

money. The Editor of the Review is in this respect as any other publisher. I can readily receive two dollars a page for writing, and a great many civil words into the bargain. For civil words I stipulated: for the rest, I say, I know no reason, why in justice, I should not, if paid at all, be paid what the labor, I will not say is worth, will bring. Your decision on this point will not affect my intention to write; since by so doing I shall co-operate with Mr. Everett. It is a question of mere justice. I am in haste, or I would write more about Germany. Wishing you all prosperity I remain Yours ever,

Northampton, Nov. 11, 1827.

SPARKS TO BANCROFT

Boston, Dec. 7th, 1827.

My dear Sir, I am greatly obliged by your kind letters to Germany. The book for the Countess America is elegantly bound. I fear I shall not reach Hamburgh. My route will be from Amsterdam up the Rhine to Mentz, Frankfort, Hessel Cassel, Göttingen, Hanover, Berlin, Leipzig, Dresden, Munich, Stutgard, Strasburg, Basil [*sic*], Switzerland. I am glad you intend writing for Mr. Everett. I wish, as heartily as you do, that the N. A. R. could afford to pay more; but it cannot. The average of my receipts as editor, since I have had the work, has been less than \$1200 a year. All the rest of the profits [*sic*] has gone to the writers. If money is your main object in writing, I fear the N. A. R. will never hold out luring temptations. I do not think my services have been extravagantly paid, and I shall always be disposed to give the writers all the profits [*sic*] above what they shall themselves deem a reasonable pay for editing. I think you make a mistake in splitting yourself into parts. If you wish to build up a solid fame, choose your book, and stick to it. This is the case with all the great writers in the English Reviews. But judge them [?],—only keep the good of literature at heart. I leave home in five days for Washington. I shall sail in a month

or two. A letter under cover to Mr. Ed. Everett will reach me. Let me hear from you, Very truly your friend,

## BANCROFT TO SPARKS

My dear sir, The N. Y. American says you have sailed for Europe. Mrs. Dwight tells me you are still in Boston. I have been very much harrassed of late, and have had no time to write letters. This week I can command a few hours. Do you wish for a letter to Heeren and Blumenbach at Göttingen? B. speaks English very well. Since I wrote you last I have had a letter from W. Humboldt; and am at liberty to introduce you to him. Shall I write one for you? He is the best man for you to know. When shall you be in Göttingen and Berlin? I write interrogatively and short, for it may be, you are on the waves, and this letter will not reach you. I am on the very best terms with Heeren and Blumenbach's family Yours,

Feb. 19, 1828, Northampton.

## SPARKS TO BANCROFT

London, March 10th, 1829,

Dear Bancroft, I send you a volume containing an account of the London University. Several of the introductory lectures delivered by different professors, and divers other matters on the same subject. I wish to procure an excellent article for the N. A. Review on the London University, and I can think of no person, who will do it so well as yourself, if you have leisure to undertake it. The volume, which I forward to you, contains a mass of facts from which you may easily draw up an article. The subject has moreover been discussed, as you are aware, in the Edinburgh Review, and New Monthly Magazine. In the last number of the Quarterly is an article touching this topic by Southey, but he and the Tory party are hostile to the London University, and have set on foot a counter project, which they call King's College. Very little has yet been done, however, but



to talk about it, and the money part of the concern is understood to move heavily.

The London University has gone into operation during the last winter, and already contains more than 500 students. In the *Edinburgh Review* and *New Monthly Magazine* you will find a history of all the early proceedings, and in the volume I send is contained a full account of the present state and practical objects of the University. It is not probable the book will reach you so soon as this letter, but you will receive it in due time. I have met many of your friends in Europe, who have inquired after you with interest. In Göttingen numerous questions were asked, which I answered according to the best of my knowledge. Blumenbach, Heeren, Saalfeld, Beneke, and others talked of you, and said they had much pleasure in recollecting your residence among them. I had the gratification to see Blumenbach in his character of skulls, and to drink tea with the family. You would be too much flattered were I to tell you all that was said, and particularly by Miss Blumenbach. I dare say you have not forgotten the young lady. With Heeren I got along rather clumsily as he talked no English, and a French little better than mine. From Göttingen I went to Leipsic by way of the Gleichen (is it not), Nordhausen, and Halle, leaving the Hartz on the left, and the Brocken hiding his majestic head in the clouds. I was so much straitened for time, that I could not go to the north as I had hoped, but was obliged to hasten back to Paris.

During the year that I have been in Europe, I have been most busily employed in historical researches with reference to the American Revolution, and have met with entire success. The public offices in Paris, in London, have been opened to me in a most liberal manner, and I have gathered from them a treasure of historical facts. As I have been obliged in all cases to get the consent of the ministers in whose departments the papers are contained, there have been some difficulties and embarrassments in the forms, but I have everywhere found a readiness of disposition to render me every reasonable facility.

We are all up in arms here now about the Catholic Question. The nation is more excited about it, than was apprehended, but there is no doubt the ministry will carry it through by a large majority. The orthodox dissenters are terribly opposed. I heard the celebrated preacher, Irvine [*sic*], two days ago make a most denunciatory prayer against the idolatry of popery, and that the rulers might be so enlightened, as never to grant concessions to such idolaters. I was not much surprised at this, after hearing a sermon which contained more nonsense than I had ever heard uttered from a pulpit. His fame is at the foot of the hill.

It is generally understood that Capt. Hall<sup>1</sup> is preparing a hard book against us. Murray told me it would be a "black book," and yet he offered him 2000 guineas for it. Murray reprobates all the anti-American articles in the Quarterly and says he was always hostile to them, but that Gifford was an impractical man. I hope Hall will come out better than is expected. I expect to be in Boston by the middle of May, when I hope to find a letter from you, telling me you will write the Review. Very truly yours,

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<sup>1</sup> Captain Basil Hall's "Travels in North America" were published in 1829.

BANCROFT TO SPARKS

My dear Friend, Right welcome to America again. Let me join my congratulations with those of your friends, who see you visibly, on the great success, which report attributes to your expedition. It falls to the lot of few men to identify themselves with a leading object of public curiosity and interest. I may say, apart from those feelings, which give me a personal interest in your success, I am sincerely rejoiced at your unwearied efforts, and the valuable and honorable results which have crowned them. Your letter of a late date I was very glad to receive: it was to me an acceptable token of remembrance and regard. The books, to which you allude, have not come to hand, and I defer any more particular description of that mat-

ter, till they are in my hands. But we have a thousand objects of living and burning interest about us to which we owe earnest attention. The topic of universities is one which I have long purposed discussing. If I succeed in writing on it, I shall esteem it a high advantage, to have a cause and an opportunity for conferring with you on the soundness of my notions. That (again) they should agree with yours, it would be alike my advantage and my pleasure to make use of the N. A. R. for their publication. But *universities* is a tender topic: let us keep clear of them for a month or two.<sup>1</sup> My wishes with regard to Harvard have not been realized; but meantime I have learnt a lesson in philosophy, and am for myself a more contented man, than if I were too strongly interested in the success of measures, which I doubt not the wisdom of Boston will engender and mature. I am a looker-on in our literary Venice. You will never catch me electioneering again,—till, perhaps, I may again think I can serve a friend. But *independence*, that is the great point. I thank God, that my neck is in no NOOSE, and that I have no reckoning but with my own mind and conscience.

And now let me wish you a vast deal of happiness. Were I to give that wish a more definite shape, it would be, *a good wife*. You have seen the world: the habits of a man of letters render him a cosmopolitan if [he] has not emphatically a home. Will you come and see me this Summer? You shall be hospitably entertained, read and study, walk and ride, write or sleep. When Boston seems a little dull, come, and we will talk over Paris together. By the way, I had almost forgot to say, that I have been getting materials together for an article on the Connecticut, more especially the memory of the illustrious men, whose names were associated with Northampton, Edwards, Brainard, Hawley, President Dwight, Strong, &c. I enlisted Judge Parker to write (under the correction of Lewis Strong) the account of the old Governor. He has done it temperately

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<sup>1</sup> The recent election of a Harvard president had aroused much discussion. Ticknor had been thrust aside, Quincy, a moderate man, had been elected, and the reformers were disappointed.



and well. Shall I proceed in this matter with reference to you? Proceed in it I must in some shape. Again I say try a week in this valley by and bye. You will find here one, who, with permanent esteem, desires ever to remain very truly Your friend,  
June 4, 1829, Northampton.

## SPARKS TO BANCROFT

Boston, June 10th, 1829.

Dear Bancroft, I thank you sincerely for your kind welcome of me to America. I am glad to get home, though I have seen many things to admire and enjoy in the old world, and many things which I wish could be introduced into the new. But we must wait patiently, and let time do its own work.

The book about the London University has not yet arrived. It is among other books, which I expect by the next packet from London. You are doubtless right in thinking that the subject had better be deferred for the present. Our college seems to be setting off from a new point, and perhaps it is well to let things remain at rest for the present. Beneficial changes are expected, and I trust all reasonable anticipations will be realized. It is a great mistake, however, to call any of our institutions by the name of Universities. They are neither such, nor ever can be, without a radical change. They are mere schools, and always must be schools, while the present system of mingling dogged recitations and lectures (so called) in the same course of education [continues]. I do not believe that a university can be engrafted on any of our old colleges. Something must be done *de novo*, before any success can be hoped. There are so many shackles on Harvard, growing out of old usages, grants of money for specific purposes, and a complicated machinery of government, that you and all the world must despair of building it up into a university. The lower, or *school-part* of this seminary is an inherent ingredient and must from the necessity of the case keep down the upper, or *university-part*. Neither money, nor talents, nor both combined, can remedy this defect. Now let us

have a university without the *school-part*; let us have an establishment where we can teach young men something about the operations of their own mind, the doings of the world, and the business of life. Europe is full of such institutions; it is time for one at least in America.

I hope you will prosecute your researches about the "Connecticut Valley." I shall depend on you for such an article, unless you intend printing a book. In such case I must be contented with a review of the book. If you can let me have the matter itself. I enclose a modern Greek ode, which I shall be much obliged if you will amuse yourself with translating into English verse. Please return the original, and send the translation by mail. It is intended to come into an article on modern Greek literature. It will be a good exercise for you some morning before breakfast. You are very kind to ask me to visit you. There are plenty of temptations, but my occupations are so pressing this summer, that I fear I shall not be able to leave home. After three years of rambling I have a great deal to do. Our friend Miss Blake, with whom I became first acquainted in Paris, obligingly offered to take charge of this letter. Very truly yours,

## BANCROFT TO SPARKS

My dear Friend, Would that you had asked of me anything but an impossibility. The pleasure of a letter from you would weigh with me greatly, but I have not written two lines of verse these three years, though I have courted and married during that period. I mean to put my Connecticut worthies in as good a light as possible; President Edwards, Brainard, President Dwight, Hawley, Pomeroy, Strong, and perhaps our lamented Howe and Mills.

I hear you are enamored of Europe, and am rejoiced to find your observations have led you to the same inferences about universities which I have been forced to adopt. We may do something by frequent reference to general principles, and by those statements, which, without jarring on present interests

shall yet familiarize the minds of our many with the great things which are accomplished in Europe. I regret sincerely, we cannot hope to see you here this summer. Sometimes when you are jaded with a reviewer's vexations and the labors of historical research, jump into the stage and forget care among our mountains. I enclose a little paper, which our boys get up, and which is decently clever for young chaps. My best wishes are yours,  
Northampton, June 29, 1829

## BANCROFT TO SPARKS

My dear Friend, I got the 65th number of the N. A. R. last night. Your article on Hall is excellent, cool, friendly, and argumentative; but you have completely peppered him. That on Holmes' Annals was very much to my taste; and by the intimate acquaintance with American History shows itself to be yours. By the way, I suppose you introduced the Calif Omar simply as a figure of speech. You know there is no historic foundation for his remark on his burning of the Alex. library. I attribute Irving's Granada to Alex. Everett from intrinsic marks. It is excellently well done. Dwight's Germany was reviewed, I think, from internal marks by Lieber. I know not, nor can I guess, who wrote on Canova, or on Egypt, on Hosea, Junius, or Long. Our friend Eliot has done well to add literary emulation to the elegances of life, by which he is surrounded.

I will pursue the subject of Universities, and submit the MSS. to your consideration. But the Sketches of Naval Life I have not read. It is no object to me, to write a review as such. I should be grateful, could I obtain that personal leisure, which might enable me to enter the career of letters with some reasonable expectation of doing myself justice. But at present I am doomed to bear with the petulance, restrain the frivolity, mend the tempers, and improve the minds of children. I should be reluctant to appear in the N. A. R. without more preparation, than I can command before the 10th of November. And besides, I prefer the topic, Universities.



Do you know Mr. Gherardi? Probably you do a little. If not, Wm Prescott and Mr. Folsom both know him well. I wish to secure for him a kind reception at a college in Louisiana, at which he will be appointed an instructor in the modern languages and perhaps in the Latin. He is a thorough scholar, and a well educated man. Can you in the shape of a letter to me, or still better, in a letter to H. H. Gird [?] President of the College of Louisiana in Jackson County, East Feliciana, as at my request, set forth what Prescott will assure you of, his high moral worth, and his unquestionable attainments and that he had once an offer of a place at Cambridge. If you could, and would enclose the letter to me, care of the Carvills, N[ew] Y[ork], you will oblige me very much. I shall be in N[ew] York from Friday till Sunday or Monday. Truly yours,

Sunday, Oct. 4, 1829

P. S. Why have you paid your letter? You only give me the trouble of looking up a ninepence to send to the Post Office with this.

BANCROFT TO SPARKS

Dear Friend, I have been on the wing, since I received your letter. I reached this place Monday night, and must make haste home today. My time is wholly engrossed till December. "The times are out of joint." I cannot command my leisure for the January no. of the N. A. R. But before January I should hold communication with you on the subject of Universities. Your letter about Mr. Gherardi was eminently acceptable. I hold it as a real kindness. Truly yours,

New York, 20th Oct., 1829

BANCROFT TO SPARKS

Dear Friend, Yours of Dec. 26 was received yesterday. You may rely on an article on the fourteenth day of February. It

will *not* be on universities; I wish to live at peace with all men.  
Truly your friend,

Northampton, 30 Dec. 1829.

BANCROFT TO SPARKS

Northampton, Jan. 7, 1830

Dear Friend, Joseph II of Austria is a good subject for an article and is out of the common line. I have Hormayr's Austrian Plutarch, Dohm's Denkwürdigkeiten, Coxe's House of Austria, and Joseph's own familiar letters. Can you find anything else, which would be of use? There is a French life of him I think by one *Castera*. Perhaps Wraxall's memoirs have something. Whatever you will send, I will conscientiously employ. If you get anything you can send by Cogswell. Think you Joseph was a fool or a philosopher? I am doubting whether to treat him sublimely or sneeringly. Truly yours,

BANCROFT TO SPARKS

Northampton, Feb. 10, 1830.

My dear Friend, At the bar of Earle's Coffee House you will find a despatch for you. If it is not to your mind, return it; my self love shall not be wounded. I did not think it necessary to wait for the little work on Joseph to which you referred; partly because I have reason to think, that it is not of original value, partly because I have much later works. The private letters of the emperor have been printed since the French publication.

I think the article I have sent you, will show why Joseph has been blackened and as Mr. Adams would say burnished too; and that the truth lies as usual with neither excess. Of materials I have two separate lives of the emperor by Austrians. Then the Prussian views of him in Dohm's masterly work; Joseph's own letters; Coxe's Austria (a heavy but valuable book by the way;) the lives of Kaunitz and of Laudon; the

Dutch account of the Barrier contest; two protestant anonymous but learned essays on his reforms; a work in six volumes on his Turkish affairs with all the manifestoes and public documents and treaties. Then too I have copious extracts from Caraccioli, and have found some good hints in the pious Schlosser's History of the 18th century. I have said no ill of Joseph, which I do not find in his panegyrist, and no good, which is not incontestible. The best account of Kaunitz, at least the most lively you will find toward the end of Rulhière's Poland. But the lively writer caricatures a little. Let me hear from you and believe me Ever yours,

BANCROFT TO SPARKS

Northampton, Feb. 18, 1830.

My dear Sir, Your recent favor has come to hand, tho' several days later than its date implied. Most surely I see the propriety of the arrangement of the next number, explained by you. You could not doubt of my ready acquiescence. Meantime I had rather subject the article to a little more consideration. Will you have the goodness to send it me by an early or a convenient opportunity. Very sincerely yours,

P. S. You will find one of our Senators, O. Warner, at the Tremont house. I wish you all success in your negotiations as to the N. A. R. Above all I wish you the honor and the reward, rightly due you in American History. Your defense of Franklin was excellent; to every unprejudiced mind highly satisfactory. I read it with delight.

BANCROFT TO SPARKS

Dear Friend, I perceive the usufruct of the work on Universities was intended for me and not the fee simple. I was in error. The New York friends of a University were very anxious to see the volume. Mr. Wainwright borrowed it for a month and has kept for a year. I will demand it of him on an early occasion and forward it to you. If you need the volume



instantly, you must write to him; otherwise I shall see him next week. I regret my mistake. During the winter I mean to prepare an essay on the subject. In the interval also I hope to see you. Very truly your friend,

Northampton, 28th Sept. 1830.

BANCROFT TO SPARKS

Dear Friend, An absence from home prevented my receiving yours of the 24th before last evening. The plan which Mr. Griffin proposes appears to me in several respects not unlikely to succeed. As each production, forming a portion of the series, would yet be published independently of the rest, it seems to me, that any writer however large his prospects, would find the proposed work a suitable method of coming before the public. My own views would be swayed in some measure by two considerations: the character and qualities of the gentlemen engaged in the plan: and the chance of securing the very best contributors to the work. Who is Mr. Griffin? A scholar or a bookseller? Competent or incompetent? Young or old? With or without capital? And again: do you think, that you yourself, our friends the Everetts and others would occasionally favor the public with a discussion, to be published in the series?

The work proposed should in my view serve as a means of diffusing sound ideas among the mass of the community. We have yet to reduce to practice the principles of our government: they have not as yet entirely pervaded society. But apart from discussion, pray do me the favor to write to me all you know about Griffin and his plan. I am rather disposed to engage in the proposed scheme, provided I can see my way clear to conducting such a work with reputation. I could find the time and industry, that are required. Truly and affectionately yours,

Northampton, Dec. 6, 1830.

BANCROFT TO SPARKS

Dear S. I have duly received your German's productions. They

are mainly designed to teach the Germans English, and not to teach the Yankees high Dutch. He is moreover a dirty fellow. He has crammed into his book all the vilest phrases, and most obscene words, ever uttered. *Mais n'import*. If you want it praised, I will find a side, that can be praised with truth. It is an excellent dictionary, very complete.<sup>1</sup> Truly yours,

Northampton, June 9, 1831.

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<sup>1</sup> Cf. A. H. Everett to Sparks, June 11, 1831:—"I am glad to learn that our friend of the Round Hill school has undertaken the review of the Leipsic Lexicographer. He might have taken a more promising subject, but *nihil quod tetigit non ornavit*—he shall be welcome upon any."

BANCROFT TO SPARKS

City of Washington, Jan. 5, 1832

My dear friend, I have just received your favor of Nov. 25th and make haste to reply, that though I have almost vowed never again to commit the folly of writing a review, I will, so soon as I cease from my wanderings and get quietly established at home, I will write some notice of your books for the N. A. R. or the A. Q. R. The difficulty is double: 1. Flügel has inserted all the dirty words that were ever uttered and all the obscene phrases, and I like not his impudent nastiness, which is carried to the grossest and most offensive extent, and 2. Flügel's labors have been designed to help the Germans learn English; while in our country the counterpart alone is of common utility. However, I will get out of the scrape in some decent way, if possible; and if he means to print the article in Leipsig, I shall put in a political diatribe, of a right revolutionary character. I shall take my revenge for this toil in the pleasure to be derived in reading Gov. Morris' life. I hope you tell his motive in the choice of a wife, a philosophical indifference to his own peace, and a philanthropic regard for the good of posterity. With true regard—affectionately yours,

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# Smith College Studies in History

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JOHN SPENCER BASSETT  
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*Editors*

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## THE DEVELOPMENT OF THE POWER OF THE STATE EXECUTIVE

WITH SPECIAL REFERENCE TO THE STATE OF NEW YORK

*By* MARGARET C. ALEXANDER, M. A.

Thesis presented to the Faculty of Smith College in partial  
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of Master of Arts

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# THE DEVELOPMENT OF THE POWER OF THE STATE EXECUTIVE

## CHAPTER I

### INTRODUCTION

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"There is an idea, which is not without its advocates, that a vigorous Executive is inconsistent with the genius of republican government."<sup>1</sup> These words, taken from an essay in support of the federal constitution and written without regard to the political system of the states, are still applicable to our state governments. In their constitutions nine states vest in the governor the executive power; seven, the chief executive power; twenty-nine, the supreme executive power.<sup>2</sup> In no case, however, are means provided by which the power may be realized. Aside from the influence which the governor exerts on legislation, his prominence is due chiefly to his ceremonial position in the state. The real administration is in the hands of a chaotic mass of boards, commissions and officials, over whom he has practically no control.

The organization of the state executive department naturally falls into three divisions: the chief executive or governor; the elected executive officers, such as the secretary of state and treasurer; and the executive boards and commissions. To the older elective officers the governor bears the relation of a coördinate state official, with whatever added dignity his control over legislation through the veto and his more representative position in the state confer.<sup>3</sup> He has no power to call them together, as the president assembles his cabinet, to formulate a common policy for the administration of the state. Popularly elected, they may

<sup>1</sup> "The Federalist," No. LXX., 436

<sup>2</sup> "Index Digest of State Constitutions," 680.

<sup>3</sup> L. A. Blue, "The Relation of the Governor to the Organization of the Executive Power in the States," 16.

be affiliated with a different party from his own and so be out of sympathy with his political convictions. Finally, he cannot remove them, as is shown in a decision of the supreme court of Illinois dealing with the governor's power to remove the secretary of state. "The injunction," said Chief Justice Wilson, of that court, "that the governor shall see that the laws are faithfully executed, it is also urged, gives him the control, and consequently the power of removal of the officers of the executive department. This interference is not justified by the premises. It has neither the sanction of authority nor the practice of other state executives, both of which are opposed to it. . . . The manifest intention of the constitution, and the authority cited, in the absence of all precedent and principle militating against it, would seem to be conclusive against the executive claim of power, under this provision, to direct the secretary how he shall execute the duties assigned him by law; and if he has no power to direct him how he shall execute his duties, he certainly has no power to dismiss him for not conforming to his directions."<sup>4</sup>

Over the actions of the third branch of the executive department, the boards and commissions, the control of the governor is also slight. Although the appointment of the members of most of these boards rests with the governor, he has not the power to remove them nor the right to direct their policies. After their appointment they become practically independent.<sup>5</sup> Such an analysis of the state executive department proves the truth of President Goodnow's words: "The governor is not the head of the administration in the commonwealths of the American Union. American administrative law has added to the famous trinity of Montesquieu a fourth department, viz., the administrative department, which is almost entirely independent of the chief executive and which, as far as the central administration is concerned, is

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<sup>4</sup>Field v. The People, 3 "Illinois Reports," 79; quoted in Beard, "Readings," 435.

<sup>5</sup>F. H. White, "State Boards and Commissions." *Political Science Quarterly*, XVIII, 645.



assigned to a number of officers not only independent of the governor but also independent of each other.”<sup>6</sup>

The legal interpretation of the state executive power by the courts has tended to subordinate further the governor's office. The American executive power has been always conferred and limited, either by charter or commission, as in colonial days, or by written constitution,<sup>7</sup> and towards this power the courts have adopted the principle of narrow construction. The state legislature enjoys every power not denied to it by the federal constitution or the constitution of the state. The state executive, on the other hand, possesses only the powers expressly defined in the fundamental law of the state. Moreover, the enumeration of the powers of the governor, found in every state constitution, is a limitation on the words of the general grant, “The executive power of the state shall be vested in a governor.” The denial by the courts of the power to remove an elective state officer has been mentioned. In South Carolina the court held that the power of removal was not incident to the office of governor, nor incident to the power of appointment, if the term was fixed.<sup>8</sup> In New Jersey the governor attempted to remove the police commissioners of Jersey City, who are state officers, after conviction for conspiracy to defraud the city of public funds. The supreme court of that state held that the right to remove a state officer, even for proved malfeasance in office, did not belong to the executive.<sup>9</sup>

Such emphasis upon the limitations of the chief executive of the state would seem to support the view some times advanced that the governor is sinking into a position of a mere figure head. To see how much the opinion is erroneous only a brief survey of the powers of that officer is necessary. All executive power consists of two distinct functions; political, or “governmental,” and

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<sup>6</sup> Goodnow, “Comparative Administrative Law,” 137.

<sup>7</sup> Finley and Sanderson, “The American Executive and Executive Methods,” 3.

<sup>8</sup> *State v. Rhame*, “News and Notes,” ed. by W. F. Dodd, *American Political Science Review*, VII, 137.

<sup>9</sup> *State v. Pritchard*, 7 Vroom (N. J. L.), 101. Mathews, “The New Role of Governor,” *American Political Science Review*, VI, 217.

administrative. The political functions of the governor include the military command, power to grant pardons; and control over the actions of the legislature through the power to call extraordinary sessions, to adjourn the legislature in case of disagreement as to time, to send messages to the legislature, and, above all, the power to veto. His administrative functions include the power of appointment and removal, and the direction and control of administrative officers and services. The first set of functions far outweighs the second in importance. The governor's political powers, as will be seen later, have tended to increase; but the governor's office has been deprived of all means of administrative development, and it is only recently that a gradual tendency to develop that branch of his power has become apparent. Lord Bryce has recognized this change; for, writing in 1888 of the position of the governor, he said: "His powers are, however, in ordinary times more specious than solid, and only one of them is of great practical value." In 1912, on the other hand, he wrote: "In the present century his powers have begun to revive. . . . The decline in the respect and confidence felt for and in the legislatures has latterly, in some states, tended to attach more influence to the office of governor, and has opened to a strong and upright man the opportunity of making it a post of effective leadership. The people are coming to look upon the head of their commonwealth as the person responsible for giving them a firm and honest administration."<sup>10</sup>

In the following discussion it is proposed to trace the change in the governor's position from the colonial period to the present. The subject is considered under two heads, constitutional and the extra-constitutional. The constitutions and the revisions of the fundamental laws of the thirteen original states have been examined, and an analysis has been made of the constitutions of some other states. The major part of the discussion is devoted to the development of the governor's office in the state of New

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<sup>10</sup> Bryce, "The American Commonwealth," (1888), I, 474; (1912), I, 498, 501.

York. The normal, unconscious development of the governor's powers is first treated. Then an analysis is made of the abnormal extension of the governor's functions which was attempted in the proposed constitution of 1915. A brief summary of the present status of the governor in New York concludes the discussion.



## CHAPTER II

### DEVELOPMENT OF THE OFFICE OF GOVERNOR

#### 1. *The Colonial Governor*<sup>1</sup>

The earliest commissions and instructions to the colonial governors granted powers so vaguely as to leave them practically limitless. An illustration of this point is the commission to Lord Delaware issued in 1610. It conferred upon him power to enforce martial law, "and upon all other cases as well Capitall as Criminal and upon all other accidents and occasions there happening, to rule, punish, pardone and governe." The explanation may be found in the unsettled condition of the colonies. The governor was the head of a commercial enterprise rather than of a fixed political community, a position demanding greater emphasis on executive efficiency than on constitutional limitations. As the colony developed a change became apparent in the governor's office, its vague powers assuming a definite form, determined, no doubt, by the governor's vice-regal position. Since the colonial governor represented the dignity and power of the king, his authority took the form of the royal prerogative. His position as military chief, his right to appoint all officers, to prorogue and dissolve assemblies, to make laws with the consent of the council and assembly, and his other minor powers—all corresponded to similar prerogative rights of the king.<sup>2</sup>

More striking, even, than this vice-regal position was the absence of any separation of the executive, legislative, judicial, ecclesiastical and military powers.<sup>3</sup> At first the governor was the sole law-making authority, restricted only to the extent that

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<sup>1</sup> The term, as here used, refers to the office as it existed in the royal and proprietary colonies, where it approached a common type. An abnormal aspect of the office is presented in Connecticut and Rhode Island, where the governor was chosen directly by the people and acted primarily as the agent of the Assistants, possessing, as he did, no veto power and no power of appointment, the latter being vested in the legislature. The material in this connection has been derived almost solely from Evarts B. Greene, "The Provincial Governor."

<sup>2</sup> Greene, "The Provincial Governor," 93.

<sup>3</sup> E. L. Whitney, "Government of the Colony of South Carolina," *Johns Hopkins University Studies*, XIII, 39.

his enactments must not be contrary to laws already in force. Later the assent of the council was required. At length, legislative power was placed in the hands of an assembly, consisting of the governor, the upper house or council,<sup>4</sup> and a representative chamber. For some time after the creation of this body the governor sat and voted in the assembly and, in addition, possessed the veto. Later on his legislative power was still further limited but, to the end, he maintained a strong position through his unqualified veto and the influence he exerted over the council. Furthermore, he retained the power of issuing ordinances in regard to salaries and fees and concerning the erection of courts. Late in the colonial period his ordinance power was reduced to a mere formality.

In judicial matters the governor also had extended functions. At first, in many colonies, with the council, he constituted the only court. This was the case in North Carolina until the arrival of the temporary constitution of 1670, which gave the governor and council the power to establish courts, although none were erected until near the end of the century. In 1685 justices were appointed to constitute a general court and the governor and council were to act as a court to hear complaints against these new justices. There is no evidence that this new system was used until 1702.<sup>5</sup> The slow development of the judicial system in North Carolina is fairly typical of all the colonies. Even after the organization of regular courts the governor and his council continued to act as the highest court of appeal in important civil cases. In addition the governor exercised, with the consent of the council, the more truly executive function of appointing the judges.

The opening of the eighteenth century found the colonies with clearly defined organs of government, and a natural consequence was restriction of the activities of the governor, the first step being the creation of an executive council. A conflict immediately arose as to its relation with the governor. In Virginia

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<sup>4</sup> Except in Pennsylvania, where the council exercised purely executive functions.

<sup>5</sup> J. S. Bassett, "Constitutional Beginnings of North Carolina," *Johns Hopkins University Studies*, XII, 161-162.

it contended that it constituted a collegiate executive, with the governor simply a presiding officer. On the other hand the governor held that he was the sole executive and that the councillors were merely his advisors and assistants. The latter conception prevailed. The typical executive council consisted of twelve councillors appointed by the Crown, usually on the nomination of the governor. The governor had full power to suspend the councillors. Through his power of nomination and suspension he maintained a strong influence over them. As a rule, therefore, the council supported the governor in his contests with the assembly. The council exercised three distinct functions: with the governor it served as a court of trial; it was the upper branch of the legislature; finally, it acted as an executive body to assist and restrain the governor. Its consent was necessary to all the governor's appointments, and, indeed, to every important act of the governor.

Vastly more important than the council as a check upon the governor was the representative assembly, which came into existence early in the colonial period. As early as 1619 the liberal element in the Virginia company demanded and obtained a representative body. In New York permanent provision for a popular assembly was not made until after the revolution of 1688. The consent of the assembly was necessary for the enactment of all legislation. Controversies soon arose between the governor, as agent of the Crown, and the popular branch of the legislature as to the voting of appropriations and supplies. These differences led to restrictive measures on the part of the assembly, even to positive encroachments upon the executive. Before considering these restrictions, however, it would be well to analyze the powers of the governor at the beginning of the eighteenth century, because it is to the extent of these powers and to the frequently corrupt and despotic use of them that the encroachments were largely due.

The first powers to assume prominence were the military. As indicated in the commission these were very extended. In practical operation they were not so large, owing to the fact that,



without financial support from the assembly, the governor was powerless. As a general rule the governor exercised the pardoning power, except in cases of treason and wilful murder, where he had power to reprieve. His action in this respect was independent, the concurrence of the council not being necessary.

The foremost of the governor's powers was his power of appointment. At first this was unlimited. Soon a restriction appeared in the form of councilial confirmation of all civil and judicial appointments. The governor's patronage was large, including in New York all the officers necessary for the administration of justice and the execution of the laws. The appointing power was often corruptly used. Some governors provided for their families out of the colonial patronage, while others used it to extend their influence in the assembly. As a result efforts were made to restrict the exercise of this power. The tenure of offices in the gift of the governor was regulated, as by the Maryland act of 1662, which provided for the annual appointment of sheriffs and forbade two successive terms. Certain qualifications for appointment were imposed. The statutes of New Jersey and Maryland made residence a requirement for office. Three colonies, Maryland, Virginia, and Pennsylvania, required that the governor appoint sheriffs from a list of names presented by the county courts. In all the colonies the assembly exercised a control over appointments by withholding the salaries of those officers whose appointment it disapproved.

In the earliest part of the colonial era the financial powers of the governor were very extensive but the introduction of representative assemblies gradually deprived him of the greater part of them. Two remained, however: the regulation of salaries and fees; and the issue of warrants for the expenditure of money. The former gradually passed from the governor's hands to those of the assembly. The latter afforded the governor and council considerable discretion in the disposition of money until the practice of making minutely detailed appropriations became general. After that the governor and council were placed in the position

of a mere accounting board to check expenditures made in accordance with the appropriations of the legislature.

The governor's power over the assembly consisted, first, in his right to call that body together. The necessity of assembling it to get supplies rendered this prerogative useless as a means of control. Far more effective was his power to adjourn, prorogue, and dissolve the assembly. Dissolution was often used as a means of getting rid of an obstinate assembly. So effective did it prove that four of the early state constitutions explicitly denied that right to the governor.<sup>6</sup> A third power of the governor over the assembly consisted in his absolute veto. Aside from these legitimate means of control, the governor possessed other ways of bringing pressure to bear on the assembly. The fact that the upper house of the legislature was composed of the governor's nominees provided a very obvious method of controlling legislation and of thus hampering the lower house. Finally, through a judicious dispensation of the patronage, the governor often sought to win over the members of the assembly.

The assembly, through its control of the purse, exercised a very real control over the governor. Instances are not wanting of salaries withheld until assent to certain measures was secured. At first this power was used merely to check the abuse of executive functions. Not content, however, with mere restrictions upon the powers of the governor, the assembly began to encroach upon his authority and to assume some of the functions belonging normally to that office. A partial explanation may be found in a loss of confidence in the governor's integrity, due to the corrupt practices of men like Governor Cornbury, of New York. The natural tendency of the legislature, when once firmly established, to encroach upon the executive, may be in part responsible. The chief reason lies in the fact that the interests which the two organs of government represented were so diametrically opposed.

It was mainly through its control of the purse that the assembly had gained its power over the governor. Its first assump-

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<sup>6</sup> Maryland, Delaware, Virginia, South Carolina.

tion of executive powers was, therefore, in the department of finance. Appropriations were made for very short periods of time and so in detail as to deprive the executive of all discretion in the disposition of the money appropriated. The power of issuing warrants was reduced to a complete formality by requiring that money, even when duly appropriated, should not be drawn from the treasury without a special vote of the assembly. Next, the assembly claimed the right of appointing the officers charged with the collection, custody and disbursement of the public money, so that in a majority of the colonies the treasurer came to be appointed by the assembly. The final step in this process of encroachment was taken when the assembly practically assumed the general power of appointment by granting salaries to officers by name.

Bereft of his financial power and with his control of the patronage sadly threatened, the governor at the end of the colonial era presents a different aspect from the almost omnipotent governor of the earliest commissions. Yet he still possessed two very powerful functions, the veto and the power of dissolution. Both of these he used without hesitation in upholding the crown in the latter days of colonial history. The representatives of the people had opposed inefficiency and corruption with restriction and encroachment. The assertion of the rights of the mother country as against those of the colonists must be met by more drastic methods.

## *2. The Governor Under the First State Constitutions*

The first state constitutions bear many marks of crudeness and hasty construction, not only in formal diction but also in the organization of the government. Not the least of these is the lack of balance in the distribution of functions. Experience with a powerful executive, responsible not to the people but to some external authority, taught the colonists the undesirability of concentrating important functions in one man. Reaction seldom follows a middle course, and in this case the pendulum swung to the other extreme. Forgetting that the substitution of an elective



system for the old practice of appointment afforded a means of holding the governor accountable, the people transferred practically all power, executive and administrative, to the legislature. In the convention of 1787 Madison described the distribution of powers in the constitutions of the revolutionary period in the following terms: "Experience proves a tendency in our government to throw all power into the legislative vortex. The executives of the state are little more than ciphers; the legislatures are omnipotent."<sup>7</sup>

Remembering the effective check which the colonial governor had interposed upon popular measures by means of the veto, the constituent bodies of this period, in all but three states,<sup>8</sup> removed the veto altogether. In Massachusetts the governor was allowed a qualified veto. The first New York constitution provided for a council of revision, consisting of the governor, chancellor and judges of the supreme court, any two of whom, with the governor, could exercise the veto. In the constitution of South Carolina, 1776, is found the clause: "Bills having passed the general assembly and legislative council may be assented to or rejected by the president and commander-in-chief. Having received his assent, they shall have all the force and validity of an act of general assembly of this colony. And where a bill has been rejected, it may, on a meeting after adjournment of not less than 3 days of the general assembly and legislative council, be brought in again."<sup>9</sup> In the constitution of 1778 this provision was dropped and, until 1789, the legislature had the sole law-making authority in eleven states.

In all but four states,<sup>10</sup> it was provided that the governor should be elected by the legislature. Associated with him in all except New York, New Jersey and New Hampshire was an executive council. The creature of the legislature in seven

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<sup>7</sup> "Elliot's Debates," V, 327.

<sup>8</sup> Dealey mentions only two states granting the veto in any form. See "Growth of American State Constitutions," 37.

<sup>9</sup> Constitution of South Carolina, 1776, Arts. VII and VIII.

<sup>10</sup> New York, Massachusetts, Connecticut, Rhode Island.

states,<sup>11</sup> it afforded that body an effective check upon the few executive powers attached to the governor's office. New Hampshire framed the first state constitution. Perhaps in this fact lies the explanation of its failure to provide for any executive. The constitution of 1776 provided for a council which was purely the upper house of the legislature and possessed no executive functions, while its president was simply a presiding officer. In the council and assembly was vested the power of appointing all officers, civil, military and judicial, except the clerks of courts, county treasurers and recorders of deeds.<sup>12</sup> Short terms and careful restrictions on reelection provided further assurance against executive usurpation. Nowhere was the term of the governor over three years. In South Carolina it was two years,<sup>13</sup> in New York and Pennsylvania three, and the remaining states had annual elections. Several states set a period of three or four years after the expiration of a governor's term, during which he would be ineligible for reelection.<sup>14</sup>

The reduction of the governor's appointing power was one of the severest blows at his prerogative. None of the original states gave him any patronage which he could distribute independently. Delaware, Pennsylvania, Maryland, and Massachusetts provided for the largest amount of patronage.<sup>15</sup> In these states the governor, with the concurrence of the council, could appoint the attorney-general and certain judicial officers. In New York all appointments were in the hands of a council, in which the governor had simply a casting vote. In Georgia all officers, except the councillors, were elected by the people. In the remaining states the officers were appointed, mainly by the

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<sup>11</sup> Popularly elected in Pennsylvania, Connecticut and Rhode Island.

<sup>12</sup> Thorpe, "American Charters and Constitutions," IV, 2451, 2452, 2453.

<sup>13</sup> Constitution of South Carolina, 1776, Art. XIII.

<sup>14</sup> Delaware, three years; Maryland, Virginia, and South Carolina, four years; North Carolina, ineligible more than three years in six successive years; Georgia, ineligible more than one year out of three. The Pennsylvania Constitution of 1790 made the Governor ineligible for reelection more than nine out of twelve years.

<sup>15</sup> See Constitution of Delaware, 1776, Art. XII; Constitution of Pennsylvania, 1776, Sec. XX; Constitution of Maryland, 1776, Art. XLVIII; Constitution of Massachusetts, 1780, Ch. II, Sec. 1, Art. IX.

legislature. Limitations were also placed upon the pardoning power of the governor. In New Jersey, Pennsylvania, Massachusetts, and New Hampshire, the concurrence of the council was necessary for granting pardons. In Georgia this power was vested in the legislature alone.

The fear of the executive which characterized these early constitutions is illustrated by two clauses found in the constitutions of Maryland and South Carolina. The first prohibits the governor from "exercising, under any pretence, any power or prerogative by virtue of any law of Great Britain."<sup>16</sup> The second forbids the governor "to make war or peace, or to enter into any final treaty, without the consent of both houses."<sup>17</sup> Such phrases are very obviously the products of colonial experience and, as might be expected, soon disappeared. A further evidence of the dislike felt for the colonial executive is found in the careful avoidance of the term "governor." In the earliest constitutions of Delaware, Pennsylvania, South Carolina, and New Hampshire the executive is designated as president or president and commander-in-chief.

Such extreme expressions of antagonism to executive authority were the first fruits of a severe reaction and were short-lived. By the end of the century a counter-reaction had set in, as a result of which the governor began to assume a more normal position in the commonwealth. Two important steps in this direction were the popular election of the governor and the abolition of the executive council. Three states<sup>18</sup> substituted popular election for election by the legislature which their cautious first constitutions had provided. The executive council was abolished in four states.<sup>19</sup> The governor's term was lengthened in two states: in Georgia from one to two years; in Pennsylvania from one to three. The greatest move toward reinstating the governor was the adoption of the veto by four states, Georgia,

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<sup>16</sup> Constitution of Maryland, 1776, Art. XXXIII.

<sup>17</sup> Constitution of South Carolina, 1778, Art. XXXIII.

<sup>18</sup> New Hampshire, 1784; Pennsylvania, 1790; Delaware, 1792.

<sup>19</sup> Georgia, 1789; South Carolina and Pennsylvania, 1790; Delaware, 1792.



in 1789, Pennsylvania, 1790, New Hampshire, 1792, and Kentucky, 1799.<sup>20</sup> In every case the veto was qualified, not absolute as in the case of the provincial governor.

Here, however, the work of readjustment ended. The evidence shows that the movement was not yet universal nor persistent, although the next two or three decades witnessed spasmodic attempts in this direction. With the exception of Maine, none of the new states incorporated the council in their scheme of government. Popular election of the governor prevailed in the newly admitted states and was adopted in Georgia in 1824. The governor was given the veto in New York<sup>21</sup> and Connecticut,<sup>22</sup> and in all the new states except Ohio.

So far the discussion has been confined practically to the thirteen original states, in which experience with the colonial governor had developed a distaste for executive authority. To complete the analysis of the position of the governor at the beginning of the nineteenth century an examination of the constitutions of the newly admitted states is necessary. From 1777 to 1830 eleven states were admitted to the Union. They fall into three divisions: the New England group, the group whose constitutions were framed under the influence of the Northwest Ordinance, and Ohio.

The first group consists of Vermont and Maine. Vermont did not enter the Union until 1791, but in 1777 she declared herself independent and framed a constitution modelled after the constitution of Pennsylvania. It provided for the popular election of the governor but, in its other features, reflected the spirit of the times by limiting the executive. Independently of the council the governor could not exercise any functions. Even personal command of the military forces was denied to him, except on the advice and approval of the council.<sup>23</sup> The constitutions of 1786 and 1793 did not grant him additional powers, save the appointment of a secretary for himself and the council.

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<sup>20</sup> Constitution of Georgia, 1789, Art. II, Sec. 10.

<sup>21</sup> Constitution of 1821, Art. I, Sec. 12.

<sup>22</sup> Constitution of 1818, Art. 4, Sec. 12.

<sup>23</sup> Constitution of Vermont, 1777, Ch. II, Sec. 18.

There was no provision for the veto. Evidently Vermont held, so far as the governor was concerned, the same position as the original states. Maine, too, whose first constitution was framed as late as 1819, reflected colonial experience in its provision for an executive council, which was to share with the governor the powers of appointment and pardon. On the other hand, the governor was given the veto power.<sup>24</sup>

In the second group are found eight states.<sup>25</sup> Two of these were carved out of the original Northwest Territory and the remainder based their constitutions on the governing ordinance of that territory. The Northwest Ordinance of 1787 provided for a strong executive, with power to convene, prorogue and dissolve the general assembly; to appoint the magistrates and other civil officers; and to reject absolutely the measures of the legislative body.<sup>26</sup> These powers were maintained to a varying degree in the states of this group. The right to convene the legislature on extraordinary occasions was universally provided but the right to prorogue and dissolve the assembly was in every case withheld. There was great variation in the extent of the governor's patronage. Three states<sup>27</sup> deprived him of control over appointments, and two gave him a very limited control. Illinois vested in him the appointment of the secretary of state and specified, as did Kentucky, that he should have power to appoint all officers not otherwise provided for.<sup>28</sup> The three remaining states allowed him to dispense a large number of offices but made the concurrence of the senate necessary. The chief offices at his disposal were judicial. Missouri, however, included in his patronage the secretary of state, attorney-general, and auditor of public ac-

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<sup>24</sup> Constitution of Maine, 1819, Art. V, Pt. II; Pt. I, Secs. 3, 8, 11; and Art. IV, Pt. III, Sec. 12.

<sup>25</sup> Kentucky, Tennessee, Louisiana, Indiana, Mississippi, Illinois, Alabama, Missouri.

<sup>26</sup> For Northwest Ordinance, see Poore, *Charters and Constitutions*, Part I, pp. 429-432.

<sup>27</sup> Mississippi, Tennessee, Alabama. In the last state he could appoint the adjutant-general and the aides-de-camp.

<sup>28</sup> Constitution of Illinois, 1818, Art. III, Secs. 20 and 22; Constitution of Kentucky, 1799, Art. III, Sec. 9.

counts.<sup>29</sup> All the states, except Tennessee, provided for a qualified veto, not absolute as under the Northwest Ordinance. In Illinois, as in the first constitution of New York, the governor and judges of the supreme court constituted a council of revision with power to reject bills.<sup>30</sup>

Peculiar circumstances in the history of Ohio caused that territory to frame a constitution which is so unique as to require a separate consideration. When a territory Ohio had some governors who used their power arbitrarily.<sup>31</sup> Moreover, these governors advocated Federalist principles, whereas the legislature stood by the doctrines of Jefferson. The legislature objected to the limitation which the autocratic powers of the governor placed upon popular rights; for by his absolute veto the governor controlled the will of the representatives of the people. Consequently, the convention of 1802 concentrated all power in the legislature. The veto power was removed, all civil officers and judges were to be appointed by the legislature, and nothing was left the governor but a few stock powers. So stripped of authority was he that one governor, after holding that office for a week, said, "The reprieving of criminals and appointing notaries are the sole powers of the prerogative."<sup>32</sup>

Although the governor's authority tended to increase, throughout the period under discussion, it failed to broaden and include more activities and powers within its scope. The power of appointment remained in practically the same state,<sup>33</sup> no provision being made for the governor to control the administration. In fact, the American conception of the state executive assigned him only that part of the executive power known as political. He commonly had the military power; and with the exceptions noted above he could grant pardons, performing, also, certain "routine

<sup>29</sup> Constitution of Missouri, 1820, Art. IV, Sec. 21; Art. V, Sec. 18; Art. IV, Sec. 12.

<sup>30</sup> Constitution of Illinois, 1818, Art. III, Sec. 19.

<sup>31</sup> Randall and Ryan, "History of Ohio," III, Ch. 2.

<sup>32</sup> R. E. Chaddock, "Ohio Before 1850," *Columbia University Studies*, XXXI, 251.

<sup>33</sup> Except for the control of judicial offices provided in New York and Pennsylvania.



duties," as commissioning officers and keeping the great seal. The only function of real importance which he exercised was the veto, a political power. The governor was not the central figure in an administrative system, like the earliest president of the United States. The states had no conception of the need of such a figure, and, if they had foreseen such a necessity, it is probable that their fear of executive authority would have kept them from making it the governor.

### 3. *The State Executive from 1830 to 1915*

So far as the governor's office is concerned, the constitutional history of the states for the next eighty-five years affords little interest. From 1830 to the outbreak of the Civil War we encounter a consistent development of democratic principles and a nascent distrust of the legislature. From 1861 to 1886 the states were almost solely concerned with problems of war and reconstruction. Then came the social and economic changes which resulted, so far as state administration is concerned, in the present loosely organized system. Administrative agencies were created without regard for their proper relation to the governor, and the period presents no evidence of an attempt to centralize administrative functions in the chief executive.

The constitutions framed between 1830 and 1861 embodied in concrete form the democratic principles of the nineteenth century. Six of the original states drew up new constitutions, three of which adopted popular elections of governor,<sup>34</sup> as did all of the new states admitted. A greater change, however, lay in the election of administrative and judicial officers by the voters. In the majority of cases the governor's power was not affected directly, as the appointment of these officers had been with the legislature. By constitutional amendments in 1850 Pennsylvania and Missouri provided for the popular election of the judges of courts of record hitherto appointed by the governor. In Missouri the same amendment substituted popular election for the gov-

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<sup>34</sup> Virginia, New Jersey, Maryland. The others were Delaware, Pennsylvania, and Rhode Island.

ernor's power to appoint the secretary of state, auditor and attorney-general.<sup>35</sup> In Maryland, where, it was claimed, the executive had abused his patronage, he was deprived of the power to appoint the attorney-general and judicial officers.<sup>36</sup> With these exceptions the tendency to increase the number of elective officers in the state did not alter the extent of the governor's patronage. Nevertheless a matter of vital importance to the organization of the executive department was involved. The accompanying table will show how strong was the movement for the popular election of administrative officers in the states examined. It

EXTENT OF MOVEMENT FOR  
POPULAR ELECTION OF ADMINISTRATIVE OFFICERS

OFFICE	Connecticut, 1836	Rhode Island, 1842	Virginia, 1850	Maryland, 1851	Ohio, 1851	Wisconsin, 1848	Oregon, 1857	Kansas, 1859
Secretary .....	X*	X			X	X	X	X
Treasurer .....	X*	X		X	X	X	X	X
Comptroller .....	X			X				
Auditor .....			X	X	X			X
Attorney-General .....		X		X	X	X		X
Commissioner of Public Works.....			X	X				
Commissioner of the Land Office....				X				
Superintendent of Public Instruct'n								X

\* Constitution of 1818.

extended from 1818, when it first appeared in Connecticut, to 1859, and prevailed from ocean to ocean. This tendency was the beginning of that decentralization which characterizes the present administrative system.

That more importance was attached to the governor's legislative than to his administrative authority is proved by the fact that the chief additional power given him at this time was the item

<sup>35</sup> Thorpe, IV, 2171, 2173; V, 3117.

<sup>36</sup> Constitution of Maryland, 1851, Arts. IV and V. See also J. W. Harry, "Maryland Constitution of 1851," *Johns Hopkins University Studies*, XX, 426.

veto on appropriation bills, which appears first in the Kansas constitution of 1859.<sup>37</sup> In Connecticut in 1818 and in New Jersey in 1844 the governor was given the ordinary veto.<sup>38</sup> Five of the six new states examined also provided for it. In Ohio the feeling against a strong executive was still so high that the proposal to include the veto in the constitution of 1851 was defeated. An editorial from one of the state newspapers expressed the prevailing sentiment: "We are glad to see the republican character of the present Constitution of Ohio on the subject of the veto is to be preserved in the new magna charta. The veto clause has been voted down in the convention by a decided majority."<sup>39</sup>

Between 1830 and 1860 several minor changes were made in the position of the governor. Three states<sup>40</sup> dropped the executive council, increasing the importance of the governor's office; and slight additions to the governor's appointing power were made in four states.<sup>41</sup> New Jersey provided for an increase by allowing the governor to appoint the attorney-general, secretary of state, keeper of the state prison and the principal judicial and military officers.<sup>42</sup>

During the Civil War no changes were made in the power of the governor but with the reconstruction constitutions came a tendency to increase his term and his power over legislation. Between 1861 and 1886 the constitutions of Florida, California, Maryland, Pennsylvania, and North Carolina, provided for a four-year term for the governor. The Georgia constitution of 1868 adopted the four-year term but returned to biennial elections in 1877.<sup>43</sup> South Carolina tried a four-year term but restored the

<sup>37</sup> Art. II, Sec. 14.

<sup>38</sup> Connecticut Constitution of 1818, Art. IV, Sec. 12, and New Jersey Constitution of 1844, Art. V, Sec. 7.

<sup>39</sup> Cleveland *Evening Herald*, Jan. 14, 1851, (quoted in Patterson, "Constitutions of Ohio and Allied Documents," 340).

<sup>40</sup> Maryland, Vermont, Virginia. Dealey mentions only two. Dealey, "Growth of American State Constitutions," 53, footnote.

<sup>41</sup> Pennsylvania, secretary of the commonwealth; California, secretary of state (changed to popular vote by amendment, 1862); Ohio and Kansas, trustees of certain institutions.

<sup>42</sup> Constitution of New Jersey, 1844, Art. VII.

<sup>43</sup> Art. IV, Sec. 1, Constitution of 1877, Art. V, Sec. 1, Pt. II.



two-year term in 1868<sup>44</sup> and still retains it. Three states gave the governor the ordinary veto.<sup>45</sup> The third constitutional convention of Ohio, in 1873, included the executive veto in its work but the constitution was defeated at the polls, due largely to that provision. Five states provided for the item veto on appropriation bills. By the end of the period, the item veto had been adopted in sixteen states.<sup>46</sup> Emphasis upon the governor's legislative authority grew stronger as the need of a check upon the legislative authority became more evident.

During this period the work of administrative decentralization continued. Connecticut, it is true, in an amendment adopted in 1880, allowed the governor to nominate the judges of the higher courts but reserved final appointment to the general assembly. Three of the states under consideration, Maryland, Georgia, and Pennsylvania, provided for the appointment by the governor of certain administrative officers, principally, the secretary of state, attorney-general and superintendent of public instruction. But, on the whole, changes in the methods of appointment resulted in an increased number of elective officers. Some of the states examined made a clean sweep of the old method, providing for popular election of all administrative officials. Others, like Maryland in its constitution of 1867, added only one or two to the electoral ballot. Most of these changes were made during the reconstruction period, and their durability might reasonably be doubted. Two of the states, Maryland and Pennsylvania, are still operating under the same constitutions, however, and all states framing new constitutions before the close of the period adopted these provisions. In Florida alone effect of the reconstruction period was transitory. During this period that state framed three distinct constitutions and twice adopted amend-

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<sup>44</sup> Constitution of 1865, Art. II, Sec. 2; Constitution of 1868, Art. III, Sec. 2.

<sup>45</sup> South Carolina, 1865; Maryland, 1867; Virginia, 1870.

<sup>46</sup> The five States were Georgia, 1865; Pennsylvania, 1873; Florida, amend., 1875; New Jersey, amend., 1875; California, 1879. See also Dealey, "Growth of American State Constitutions," Ch. VII.

ments affecting the executive office.<sup>47</sup> In 1865 she adopted popular election for administrative officers. Under stress of reconstruction a convention held in 1868 adopted a peculiarly advanced system of administration. Provision was made whereby the governor, subject to senatorial confirmation, should appoint a cabinet consisting of eight officers: the secretary of state, attorney-general, comptroller, treasurer, surveyor-general, superintendent of public instruction, adjutant-general and commissioner of immigration.<sup>48</sup> He was also to control the appointment of central and local state judicial officers, militia officers and the assessor of taxes and collectors of revenue. In all, he had the naming of more than five hundred officers and could remove them without the consent of the senate. This system was criticized because it could be effectively controlled by a few men; but, owing to the peculiar condition of the suffrage and of party alignment at the time it worked fairly well.<sup>49</sup> It was simply a device, however, for preventing negro control of the state. When the negro vote was eliminated the elective system was restored.<sup>50</sup>

The constitutions framed after 1886 had few changes in the position of the governor, the item veto continuing the most important addition of power. Maryland granted it in 1891; South Carolina in 1895; Delaware in 1897; and Virginia in 1902. Ohio, in 1903, gave to the governor both the ordinary veto and the item veto. Rhode Island granted the ordinary veto by amendment in 1909. New Hampshire first provided for the usual suspensive veto in 1902.<sup>51</sup> In 1912 an amendment granting the item veto

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<sup>47</sup> Constitutions of 1865, 1885, and amendments in 1870 and 1875.

<sup>48</sup> Constitution of Florida, 1868, Art. VI, Secs. 17, 18, 19; Art. VII, Secs. 18 and 19.

<sup>49</sup> W. W. Davis, "The Civil War and Reconstruction in Florida," 543, 648.

<sup>50</sup> Fairlie, "Local Government in Counties, Towns and Villages," 50.

<sup>51</sup> Thorpe, III, 1788. See also the South Carolina Constitution of 1895, Art. IV, Sec. 23; the Delaware Constitution of 1897, Art. III, Sec. 18; the Virginia Constitution of 1902, Art. V, Sec. 76; the Ohio Constitution in Thorpe, V, 2916-2917; the Rhode Island Article of Amendment, XV; and the New Hampshire Constitution of 1902, Art. XLIII.

was rejected.<sup>52</sup> At present in thirty-five states the governor may veto some items of an appropriation bill while approving the rest. Three states allow him to veto portions of any bill.<sup>53</sup> The only state withholding the veto on ordinary legislation is North Carolina. The vote required to override the governor's veto varies from a simple majority in eight states to a three-fifths vote in five states. The fraction two-thirds is preferred by the thirty-four states remaining.<sup>54</sup>

An examination of the constitutional changes in the states analyzed shows a slight tendency to increase the governor's appointing power. Delaware and Virginia both provided for a large number of administrative officers elected by popular vote<sup>55</sup> and in the ten new states admitted during this period provision is made for the election, and not the appointment, of the chief administrative officers. Virginia, however, shows indications of the beginning of an administrative system by creating a department of agriculture and immigration under the control of boards appointed by the governor and senate, although the election of the commissioner rests with the voters. The same constitution provides that the governor shall appoint the board of prison directors and the directors and commissioner for the state hospitals for the insane. A similar provision is found in the South Carolina constitution of 1895.<sup>56</sup> In 1912 Ohio amended its constitution to vest in the governor alone the appointment of the superintendents of

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<sup>52</sup> F. A. Updyke, "New Hampshire Constitutional Convention," in *American Political Science Review*, VII, 136.

<sup>53</sup> "Index Digest of State Constitutions," 36 and 852. These states are Washington, Virginia and South Carolina.

<sup>54</sup> The eight are Alabama, Arkansas, Connecticut, Indiana, Kentucky, Tennessee, New Jersey, West Virginia, and the five are Rhode Island, Delaware, Maryland, Nebraska, Ohio. See also "Index Digest of State Constitutions," 851-852.

<sup>55</sup> Delaware, 1897, treasurer, auditor, attorney-general, insurance commissioner; Virginia, 1902, secretary, treasurer, superintendent of public instruction, commissioner of agriculture. See also Dealey, "Growth of American State Constitutions," 111.

<sup>56</sup> Constitution of 1902, Art. X, Secs. 143 and 145; Art. XI, Secs. 148 and 149; Art. XII, Sec. 2.



public instruction and of public works.<sup>57</sup> The absence of provision for senatorial confirmation marks the first real step in the organization of an administrative system upon an efficient basis.

#### 4. *Extra-Constitutional Development of the Governor's Power*

The constitutional evidence for the development of the power of the governor is slight. The reaction from colonial experience with a strong executive caused the chief power to be vested in the legislature. When that body proved unworthy a shift was made in the disposition of authority. Tradition being against the governor, power in general was transferred to the electorate with an occasional increase in the executive patronage. A few states gave the governor extensive powers to investigate the affairs of the departments, especially the financial department. The tendency to provide a four-year term is apparent.<sup>58</sup> The only persistent and universal extension of the governor's authority has been in the line of control over legislation through the veto. But, as in every constitutional government there are changes in the actual form of government not registered in the written document, so our states have developed unwritten constitutions. The average duration of a state constitution is thirty years; ten have lasted more than sixty;<sup>59</sup> and Massachusetts is still operating under her original constitution, with only forty-four amendments. In a generation new conditions will inevitably develop demanding a changed scheme of government to meet them, and this is especially true of the executive department.

The modification of the governor's position is apparent in both the political and administrative branches of the executive power. The social and economic development of the latter part of the nineteenth century produced a tremendous increase in

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<sup>57</sup> Constitution of Ohio (as in force Jan. 1, 1915), Art. VI, Sec. 4; and Art. VIII, Sec. 12.

<sup>58</sup> Constitution of Maryland, Art. II, Sec. 18; Constitution of Georgia, Art. V, Sec. 1, Par. XVIII. Four-year term in twenty-two states. "Index Digest of State Constitutions," 744.

<sup>59</sup> J. Franklin Jameson, "Introduction to the Constitutional History of the States," *Johns Hopkins University Studies*, IV, 193.

state activities, and thus administrative agencies became necessary. At first the legislature appointed committees of its own members to perform these functions. Later, boards and commissions were organized to take them over, bodies created by the legislatures, which prescribed also the methods by which they should be chosen. Largely through want of foresight, no definite administrative scheme was followed in organizing them. Some were only temporary; others became permanent. As the paternalism of the state increased the boards multiplied. In 1913 the legislatures of 35 states established 236 boards or commissions and abolished only 79. The government of the state of New York includes 169 distinct agencies, among which are included the various departments, boards, commissions and offices.<sup>60</sup> The result of this development has been two-fold. The governor's patronage has been increased, since he appoints the majority of the boards. But there his control usually ends. The law organizing a commission is frequently so expressed as to deny him power of removal, or it so restricts him as to make removal impossible except for flagrant misconduct.<sup>61</sup> Furthermore, the term of the commission is seldom co-terminous with that of the governor and as it is often a continuous body, he generally has power to appoint only a part of it. Thus restrained, he can exercise no effective control over the policy of the board or commission. Nevertheless, functions logically belonging to the executive have been transferred to these agencies. Consequently the governor has been deprived of much power which should rest in his hands.

Attention has been called to the decentralizing tendency in the popular election of administrative officers. The development of these agencies completed the process and broke down all semblance of centralized authority. The result was inevitable. Extravagance and inefficiency became so flagrant that there was a demand for reform. Strangely enough, the first pleas for cen-

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<sup>60</sup> "Government of the State of New York, Department of Efficiency and Economy and the Bureau of Municipal Research," 1915.

<sup>61</sup> F. H. White, "State Boards and Commissions," *Political Science Quarterly*, XVIII, 645.

tralization resulted in the creation of a new type of commission, the department of efficiency and economy. Thirteen states<sup>62</sup> created agencies of this kind to investigate conditions and to recommend reforms in state administration. Political parties began to incorporate in their platforms suggestions for the centralization of authority in a responsible executive. Thus, the Massachusetts platform of 1901 recommended that all state officials should be appointed by the governor and should be subject to removal by him alone.<sup>63</sup> In New York the republican platform of 1914 contained the following: "We recommend a substantial reduction in the number of elective officials by the application of the principle of the short ballot to the executive officers of the state. To prevent the multiplication of officers we recommend that the various administrative functions of the state so far as practicable be vested in a limited number of departments. The present duplication of effort and expense in the public institutions of the state should be remedied by the establishment of a simpler and better organized system." In the democratic platform of the same year are the words: "To center responsibility for executive and administrative action, we favor an amendment to the constitution providing for the election only of the governor, lieutenant-governor, comptroller and attorney-general."<sup>64</sup> An examination of the political writings of the day reveals the same desire for concentration of responsibility in the governor. The schemes vary in detail but they agree in regard to the necessity of increasing the governor's appointing power.<sup>65</sup> An administra-

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<sup>62</sup> L. A. Blue, "Relation of the Governor to the Organization of Executive Power in the States," 6. Also, "State Governmental Organization," *American Political Science Review*, IV, 243; "American Year Book," 1913, pp. 81-82.

<sup>63</sup> Illinois, Iowa, Louisiana, Massachusetts, Minnesota, Mississippi, Nebraska, New Jersey, New York, Pennsylvania, South Dakota, Wisconsin. See Dealey, "Growth of American State Constitutions," 165. Also, *American Political Science Review*, VIII, 63-64.

<sup>64</sup> G. Bradford, "Powers of the Executive," *The Nation*, LXXXVI, 257.

<sup>65</sup> "Record of the Constitutional Convention of the State of New York," 1915, III, 3220.



tive system like that of the national government is advocated,<sup>86</sup> whereby the governor would appoint the heads of departments, who would be directly responsible to him and constitute his cabinet. These heads would appoint the chiefs of bureaus, who would name their subordinates. A hierarchy would thus be created which would eliminate the independent board or commission and bring the administrative system under a single responsible head.

In the field of legislation we find a less conscious attempt to strengthen the governor's position. Gradually, through force of circumstance, however, his importance has increased until he has become the controlling force in legislation. In this respect the theory of government is against the governor, as the typical state constitution distinctly prescribes a separation of departments. Experience has proved the difficulty of applying this theory in actual government. The usurpation of executive power by the legislature and the tendency to restore to the executive his normal functions have been demonstrated. But the executive has also usurped legislative powers through the extension of the veto, a change in his legislative authority outside the range of any constitutional provisions. The reason for this change lies in the increasing popular demand for leadership. Our legislatures are tremendously active in turning out legislation. Every two years congress and the state legislatures together make about 25,000 laws, a large proportion of which, however, are special or local. The perspective of the average legislator is limited to his particular district, which makes him an excellent local representative. The state, however, has adopted so many paternal functions that a well constructed, comprehensive scheme of legislation is essential, and the legislators are generally incapable of furnishing such a scheme. The people, as such, cannot do so. Some one must be found to interpret their will and present it concretely to the legislature. Granting there are legislators with broad range of vision, the quality of the average member makes differentiation

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<sup>86</sup> F. A. Magruder, "Recent Administration in Virginia," *Johns Hopkins University Studies*, XXX, 198.

hard. Consequently the task of acting as the chief medium of progressive law-making has fallen to the governor. In his annual messages he outlines a legislative program for the year and supplements it with special messages. Every year bills known as "administration bills" are introduced, which really emanate from the governor. Furthermore, he appears before informal meetings of legislative committees and discusses with them questions of public policy, advocating measures which he thinks public opinion demands. Finally, he sends for members of the legislature to urge them to vote for particular measures. It has been said that the primary qualification now required of an assemblyman is intelligence enough to vote for what the governor wants. There are many examples of governors who have stood out as successful champions of advanced legislation, as for example, Governor Wilson in New Jersey, Governor Johnson in Minnesota, Governor Hoch in Kansas, Governor Harmon in Ohio, and Governor Hughes in New York.<sup>67</sup> The necessity for the encroachment of the executive upon the ordinary functions of the legislative department has been so far recognized that one of our most conservative periodicals defended ex-Governor Hughes from the charge of executive usurpation on the ground that he first tried to ascertain what was best for the state and then publicly uttered his convictions. Such action, it contended, was not "government by executive usurpation but government by public opinion after discussion."<sup>68</sup> The problem resolves itself into a choice between government by the direction of the governor, a legally recognized agent, or by the political boss. The new rôle of the governor is to act as the virtual boss of the state and shape the course of legislation for the general benefit instead of for private and special interests. This has been so far recognized that plans have been suggested whereby the governor would be

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<sup>67</sup> Mathews, "The New Rôle of the Governor," *American Political Science Review*, VI, 225; G. W. Alger, "Executive Aggression," *Atlantic Monthly*, CII, 583; *The Nation*, LXXXVI, 208; XCII, 416.

<sup>68</sup> *The Nation*, LXXXIV, 558.

given the legal initiative in legislation and the right to take part in the debates of the legislature.<sup>69</sup>

A similar tendency of the times is the agitation for an executive budget. The rigid separation of departments resulted in an absence of executive influence in the preparation of the budget. The state constitutions make practically no provision for such control. It is true that the power to veto items in appropriation bills makes the governor's influence felt in the adjustment of the appropriation side of the budget. Thirty-five states allow the governor to require information from the executive officers respecting the condition of their offices. Only nine give him power to suggest to the legislature what must be raised by taxation for state purposes. Beginnings of executive control over finance may be found, however, in state legislation affecting budgetary methods. The laws of New York dealing with this question will be considered later. Ohio, in 1913, made the following provisions for an executive budget.<sup>70</sup> Biennially, the various departments, commissioners, and officers of the state are required to submit to the governor itemized estimates of what is needed for the next biennial period. The governors can appoint examiners to ascertain the condition of any spending department and to make recommendations relative to the expenditures of that department, the examiners to be paid out of the appropriation for the executive department. Finally, the auditor is required to furnish the governor a statement showing the unexpended balance to the credit of each department and office at the end of the last fiscal year, the monthly average of expenditures, and the revenue for the last fiscal year and for the last four years. With these estimates, reports, and statements as a basis the governor must frame and submit to the general assembly the state budget for the next biennial period. This

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<sup>69</sup> Mathews, "The New Stateism," *North American Review*, CXCI, 808-815. G. Bradford, "President or Governor as Lobbyist," *The Nation*, LXXXVI, 422; "State Governmental Organization," *American Political Science Review*, VI, 243.

<sup>70</sup> E. E. Agger, "The Budget in the American Commonwealths," *Columbia University Studies*, XXV, 160; "Index Digest of State Constitutions," 1183-1184, 1338; *American Political Science Review*, VIII, 57-58.



practice meets most of the requirements of efficient budget-making but contains a fundamental weakness in not allowing the governor control over the budget after it has passed into the hands of the legislature. Oregon, North Dakota, and Washington provide for a centralized budgetary system but none of the states make the governor the budget-making authority.

Before passing to a discussion of the governor's position in New York it may be well to sum up whatever conclusions may be drawn in regard to the development of the chief executive office in the states. The beginning of our national period presents evidence of a weak executive department, with a governor whose position is almost nominal. With the exception of the veto the constitutional changes of the nineteenth century do not make a radical, or even fundamental, increase in the powers of the governor. On the contrary, the rise of popular sovereignty causes a diffusion rather than a concentration of authority and produces a disintegration of the administrative system tending to weaken the executive. It is not until the twentieth century that the inefficiency of our state government becomes so marked that the necessity of a redistribution of powers becomes apparent. The state has failed in two of its three basic functions of government: legislation and administration. The form of government prescribed by the fundamental law of the state has proved itself incapable of coping with the complexities of modern governmental business. A constitutional reorganization seems difficult to obtain, and consequently extra-legal means are conceived whereby the governor becomes the guiding force in legislation. The constitutional veto has made him the controlling factor. Less has been accomplished in the field of administration, but more and more the governor is being held responsible for the efficient conduct of the administrative departments and the tendency to confer upon him power commensurate with that responsibility is becoming gradually perceptible. As yet, however, he does not hold that central position in administration which he must obtain before his constitutional injunction to see that the laws are faithfully executed can be obeyed.

## CHAPTER III

### DEVELOPMENT OF THE EXECUTIVE IN NEW YORK

#### 1. *Constitutional Revision in New York*

In the constitutional history of the state of New York we find the same general development of the governor's office that exists in the other states. The colonial period falls into three divisions. Under the Dutch regime the governor chose his own council and exercised both executive and legislative powers. In 1664 the colony passed into the hands of the Duke of York and became a proprietary province.<sup>1</sup> All the powers conferred upon the proprietor by this charter were at first vested in the governor, but soon he was forced to share his authority with a council of his own appointment.<sup>2</sup> Finally, in 1688, royal government was established in New York. The commission to Andros<sup>3</sup> endowed him with the maximum rights and prerogatives of the provincial governor. The universal struggle for representative government, however, resulted in the recognition of the assembly,<sup>4</sup> strife between the governor and the assembly ensued, and restrictions were imposed upon the governor and an encroachment of the legislative body upon the executive became perceptible. Feeling against the governor was intensified by the unworthy conduct of such governors as Cornbury and Cosby.<sup>5</sup> The first state constitution, 1777, deprived the governor of independent action in the important functions of making appointments and veto bills. Provision was made for a council of revision consisting of the governor, chancellor and judges of the supreme court, any two of whom, with the governor, were to have power to veto bills passed by the legislature.<sup>6</sup> A second council, consisting of the governor and one senator appointed by the assembly from each great dis-

<sup>1</sup> Poore, "Charters and Constitutions," I, 783.

<sup>2</sup> Greene, "The Provincial Governor," 28.

<sup>3</sup> Thorpe, "Charters and Constitutions," III, 1863.

<sup>4</sup> Governor Sloughter's Commission, "New York Colonial Documents," III, 623.

<sup>5</sup> Channing, "History of the United States," II, 308, 484.

<sup>6</sup> Thorpe, "Charters and Constitutions," V, 2628.

trict, was to control the appointment of officers whose appointment was not otherwise provided for by the constitution. Limited as the governor's power was under the constitution of 1777, it exceeded that conferred by the average constitution of this period by providing for a three-year term, independence of the legislature through popular election, and the exclusive right to grant pardons except in capital cases.

In 1821 a constitution which made a very radical change in the position of the governor was framed and adopted. The former method of mingling administrative and legislative functions had proved so odious that, in the convention of 1821, there was a unanimous vote of 102 to abolish the council of appointment.<sup>7</sup> In its place was substituted a complex system of appointments. In the governor and senate was vested the appointment of certain military officers; and masters and examiners in chancery; and all judicial officers except justices of the peace. The other offices, administrative and judicial, were distributed between the legislature and the electorate. The governor was given a limited power of removal, extending to sheriffs and county clerks. The council of revision was omitted from the new scheme of government and the governor was given the ordinary suspensive veto. The pardoning power was extended to include all offences except treason. To counterbalance the increase in the governor's powers and to provide for a closer responsibility to the electors the governor's term was reduced to two years. The power to prorogue the legislature, which the constitution of 1777 had provided, was also omitted. The most interesting feature of the constitution of 1846 in regard to the executive department is the extreme decentralization of the administrative system. Provision was made for the popular election of the secretary of state, comptroller, treasurer, attorney-general, state engineer and surveyor, canal commissioners and inspectors of state prisons. The judges also became popularly elected. Military offices alone were left at the disposal of the governor. The right to suspend the treasurer

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<sup>7</sup> J. M. Gitterman, "The Council of Appointment in New York," *Political Science Quarterly*, VII, 111.



during the recess of the legislature and to remove the coroners and district attorneys was the sole increase in the governor's administrative power.

The period of reconstruction was not without its effect upon the constitutional history of New York. In 1867 a convention met which, in its proceedings, exhibited a marked reaction from the decentralizing spirit of 1846.<sup>8</sup> Three committees brought in reports on the executive department. The committee on the governor suggested several changes in the appointing power. Proposals were adopted for the abolition of the offices of canal commissioner and inspector of prisons, and for the creation of new officers to replace them, who should be appointed by the governor and senate.<sup>9</sup> It was also agreed that the question of having the judges of the higher courts appointed by the governor should be submitted to the people in 1873. The report of the committee on legislature powers contained two subjects affecting the governor's power. The first dealt with the length of time after adjournment in which the governor might act upon a bill. The practice of indefinite time had been established by the governors and had been sanctioned by the court of appeals. Governor Fenton had suggested a thirty-day limit but no stand on the question was taken by the convention. The second proposal was for a radical change in the veto power whereby the governor would be given the item veto on any bill. If the whole bill was repassed by the legislature by a two-thirds vote it should become law. If not, the part not vetoed should be engrossed as a separate bill and returned to the governor. The main objection to such an amendment was that it would make the governor an affirmative lawmaker and the vote stood 52 to 30 to retain the existing veto. A proposal was adopted, however, to strengthen the veto by requiring a larger legislative vote to override it. The plan suggested by the committee on the pardoning power was also rejected. The

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<sup>8</sup> J. H. Dougherty, "The Constitution of New York," *Political Science Quarterly*, IV, 232.

<sup>9</sup> H. A. Stebbins, "A Political History of New York," 1865-1869, *Columbia University Studies*, LV., 241, 250, 252.

constitution was defeated at the polls by a vote of 290,456 to 223,935.

The next constitutional revision affecting the position of the governor was the work of a legislative commission which, in 1872 submitted a list of amendments to the legislature. The most important addition to the governor's power the commission recommended which received popular ratification was the item veto on appropriation bills. Other amendments affecting his legislative authority were the provisions that at extra sessions no subject should be acted upon other than those recommended by the governor for consideration; the requirement of the consent of two-thirds of the members elected to each house to override the governor's veto, instead of two thirds of the members present, as formerly; and the adoption of the thirty-day limit for executive action upon bills after the adjournment of the legislature. The three-year term, which the constitution of 1821 had reduced, was restored. The governor's patronage was increased by allowing that officer to appoint, subject to senatorial confirmation, the superintendent of state prisons and the superintendent of public works.<sup>10</sup> He was furthermore given absolute power to remove them. An amendment was introduced providing that the secretary of state, attorney-general and state engineer and surveyor be appointed by the governor and senate.<sup>11</sup> This was not adopted by the legislature.

The last change in the fundamental law of the state to meet with popular approval was the constitution of 1894. With the exception of a slight increase in the governor's power of appointment and removal<sup>12</sup> the governor's position was not affected. A review of these constitutional revisions and comparison with other constitutions shows that the governor in New York holds a place in the state government similar to that of the governor of any of the American commonwealths.

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<sup>10</sup> Thorpe, "Charters and Constitutions," V, 2679-2681.

<sup>11</sup> J. H. Dougherty, "The Constitutions of New York," *Political Science Quarterly*, IV, 244.

<sup>12</sup> State board of charities, state commission in lunacy, state commission of prisons.

## 2. *The Governor in Administration*

The executive power, as has been stated, consists of two main branches: the political and the administrative. As in the other states, the administrative system in New York has developed, if such a hit-or-miss growth may be called development, without any regard for the governor's constitutional post as chief executive. The normal growth of the governor's power has been along political lines.

The primary function of every administrative chief should be the appointment of his subordinates. If the development of the governor's constitutional power of appointment from the earliest constitution to date were presented graphically a very irregular line would result. From a medium point of departure the line of growth would drop a number of degrees to indicate the amendment of 1801 which granted the councillors concurrent power of nomination with the governor. In 1821 it would make a sharp rise and would follow along an elevated plateau until 1846 when it would drop almost to zero. In 1876 it would start to climb very gradually but the provisions of the constitution of 1894 would cause it to end at a point below the starting point of 1777.

In studying the office of provincial governor it has been noticed that, toward the end of the colonial period, the legislature had encroached upon several executive functions, among them the power of appointment. This it had accomplished by granting salaries to specific officers whose names were inserted in the appropriation bills. By 1743,<sup>13</sup> in New York, the assembly was practically in control of the patronage. Governor Clinton tried to reestablish the influence of his office in the matter of appointments by demanding grants of supplies for a long term of years. This failing, he refused to sign any annual appropriation bills, until the government of New York was actually dissolved and the crown had to concede to the assembly the right to make annual appropriations by name and office. The outcome of the conflict was legislative control of appointments. In 1777, therefore,

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<sup>13</sup> J. M. Gitterman, "The Council of Appointment in New York," *Political Science Quarterly*, VII, 84.



when the convention prepared to draw up a plan of government, the precedent for legislative influence in the matter of appointments was established. To this was added the prevailing distrust of the governor. Consequently Jay's plan for a council of appointment was adopted.<sup>14</sup> The new council was to consist of representatives from the senate and the governor, in this way combining legislative and executive control. The governor had the advantage of a longer term, as the constitution provided that the council must be renewed annually. On the other hand, the governor had only a casting vote. Probably Jay intended that the council should act largely as a check to prevent the misuse of the power of the governor.<sup>15</sup> The constitution remained silent on this point.

For the first ten years the new method of making appointments worked very smoothly. The senatorial councillors made no attempt to exercise the right to nominate but confined their action to passing judgment upon the governor's nominees. As Governor Clinton easily dominated the council most of his nominations were ratified. Thus the governor's power was little weakened by the participation of the council in the distribution of the patronage. To realize the extent of the governor's patronage at this time, moreover, it must be remembered that, with the exception of the state treasurer, practically all the administrative and judicial officers of the state were appointed by the council. In 1800 the minutes of the council record upwards of 800 appointments.<sup>16</sup>

In framing this article two important possibilities had been overlooked: that the governor and his council might be at loggerheads; and that political parties would develop. The cleavage into parties in New York appeared with the question of the adoption of the federal constitution. Hamilton, in his articles in defence of

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<sup>14</sup> Constitution of 1777, Art. XXIII.

<sup>15</sup> J. M. Gitterman, "The Council of Appointment in New York," *Political Science Quarterly*, VII, 90.

<sup>16</sup> H. L. McBain, "De Witt Clinton and the Origin of the Spoils System in New York," *Columbia University Studies*, XXVIII, 79. The monograph contains a full account of the development of parties in New York.

that scheme of government, attacked the council of appointment, charging it with scandalous appointments and criticizing the secrecy and irresponsibility of its actions.<sup>17</sup> But, in spite of the party alignment which began to appear, Governor Clinton paid little attention to the political tenets of his nominees. In 1793, however, when the federalists secured a majority in the legislature, the other weakness of the new system became apparent. Trouble arose immediately which led to the appointment of a new council although the term of the old had not yet expired. The new body adopted Hamilton's construction of the constitution in regard to the power of nomination and elected a supreme court judge over the protest of Governor Clinton. The governor was now reduced to the level of an ordinary councillor except that his term was longer and that he was not dependent upon the assembly. Precedent was established for a new method of making appointments and from this time the disposition of the patronage passed largely from the governor's control. The council ceased to be merely a restraining influence upon the governor's power but became an active force in state politics. Governor Clinton struggled, however, against this loss of power. He contended that since he was responsible for the administration of the laws he should have the right to nominate the public officers and to decide the number necessary for effectual administration when not definitely prescribed by law. When Jay became governor in 1796 he appealed to the legislature to decide the question of the governor's share in making appointments, but that body refused to act. For the next five years the governor and the council were of the same political creed and worked in harmony, filling up vacancies with their supporters, until almost every post of consequence was occupied by a federalist. A few actual removals were made but no general system was adopted.

By the election of 1800, however, the republicans secured a majority in the legislature. De Witt Clinton was the leader of the republican party and was in control of the council of appointment of which he was a member. The term of the federalist

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<sup>17</sup> The Federalist, Nos. LXX, and LXXVII.

governor did not expire until July, 1801. The situation of 1794 was repeated, only this time the parties were reversed. The famous Clinton-Jay controversy had begun. The attempt to appoint a sheriff for Dutchess County resulted in a complete deadlock. When Clinton claimed the power of nomination Jay asked time to consider the matter. The council adjourned and Jay never reconvened it. Before the end of his administration he asked first the legislature and then the judiciary to settle the disputed question but they refused.

The next governor was George Clinton. De Witt Clinton was the real leader of the party, however, and in his hands rested the entire control of the patronage. When the council of 1801 followed out De Witt Clinton's policy of filling the larger offices immediately with republicans and of removing federalists from those offices which were held at the pleasure of the council the governor protested by refusing to sign the minutes of the council meetings. That was the extent of his action in regard to appointments. The council exercised freely the right of nomination and, in 1801, when the convention decided that the senatorial members should enjoy concurrent power of nomination with the governor, it was merely giving constitutional sanction to the practice which had been established in 1794. The vacuity of the governor's position in the matter of appointments is shown by De Witt Clinton's own words: "In many cases the governor is a mere cypher in the exercise of the appointing power."<sup>18</sup>

The history of the council of appointment from 1801 until its abolition in 1821 is one of constant struggle between the council and the governor whenever they were of opposing parties. The system of removals which De Witt Clinton had instituted continued to be applied with increased vigor. Until 1817, except for a brief period when he was in the United States senate, he dictated the actions of the council whenever his party was in power. In that year he became governor and as long as his party controlled the

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<sup>18</sup> De Witt Clinton Papers, IV, 143, (quoted in H. L. McBain, "De Witt Clinton and the Origin of the Spoils System in New York," *Columbia University Studies*, XXVIII, 125.



legislature he was all-powerful in the administration. In 1820, however, the rival faction, led by Van Buren, obtained a majority in the assembly and secured an anti-Clinton council. This, the famous "Skinner Council," turned the partisan system upon its author. At its first sitting it removed eleven sheriffs, the comptroller, the attorney-general, several military officers, a class of officials which had been heretofore exempt, and the mayor and recorder of New York City.<sup>19</sup> Perhaps Clinton's helplessness against the machine which he himself had built called forth the criticism of the council found in his message of 1820: "The offices in the gift of this council are remunerated by salaries or fees to the amount of a million dollars annually. Combinations will be formed to obtain the control of this enormous patronage. . . . With this principle of irritation in our constitution, the hydra of faction will be in constant operation, endeavoring to work its way to power, sometimes by open denunciation, at other times by secret intrigue, and always by artful approaches. The responsibility of public officers is essential to the due performance of their trust, and is demanded by the properties of delegated power, and the best interests of the community. This council, as constituted, is almost entirely destitute of this essential requisite. The political tranquillity of the state demands a different arrangement of the appointing power."<sup>20</sup> In these words the author of the spoils system struck at the root of the entire evil. The diffusion of power which the constitution had provided removed all possibility of fixing the responsibility for a bad appointment. Consequently a great central machine had developed, the influence of which was felt throughout the state. Hamilton understood the weakness of the system when he wrote: "The censure of a bad appointment, on account of the uncertainty of its author, and for want of a determinate object, has neither poignancy nor duration. And while an unbounded field for cabal and intrigue lies open, all idea of responsibility is lost."<sup>21</sup> The peo-

<sup>19</sup> J. M. Gitterman, "The Council of Appointment in New York," *Political Science Quarterly*, VII, 111.

<sup>20</sup> "Messages from the Governors," II, 1020.

<sup>21</sup> *The Federalist*, No. LXXVII, 479.

ple of New York had witnessed the truth of this criticism only too clearly, and when the convention of 1821 met to frame a new plan of government for the state the council of appointment was unanimously abolished.<sup>22</sup>

In the constitution of 1821 the exclusive right of nomination was vested in the governor, and the present method of senatorial confirmation was instituted. As opposition is never so effective when scattered through a large body as when concentrated in three or four individuals, the governor under the new constitution apparently possessed greater independence in the exercise of the appointing power. A new combination arose, however, which gained control of the patronage and dictated the nominations practically without intermission until the election of Governor Seward in 1839. As early as 1818 Van Buren had set on foot a new organization within the democratic party of New York, the "Bucktail faction." When the "Skinner Council" made its "clean sweep" of Clintonian officers in 1821 it put in office three "Bucktail" men, Talcott, Butler and Marcy, who were destined to become the first Albany Regency, acting under the inspiration of Van Buren. Although he was frequently away from New York, serving as United States senator, minister to England, and later as president, he dictated the policy of the state for many years. The first governor under the constitution of 1821 was Joseph C. Yates, a republican, and completely under the power of the Regency. If Yates failed to obey its edicts the senate failed to confirm his appointees.<sup>23</sup> In 1824 De Witt Clinton returned to the governorship for two terms. In 1826 a union between Clinton and Van Buren was effected and from that date until Seward's inauguration the dictates of the Regency were obeyed without question. An idea of the absolute power of this inner ring may be obtained from the words of William H. Seward at the republican convention of Cayuga County in 1824: "It (the

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<sup>22</sup> The abolition of the council of appointment was not due entirely to popular dislike of that institution but to a large extent to Van Buren's control of the convention, in which his own faction, the Bucktails, far out numbered the Clintonians.

<sup>23</sup> Alexander, "Political History of the State of New York," I, 293, 322.

Albany Regency) is an institution which makes the governor the subservient tool of the faction which designates him."<sup>24</sup>

With the administration of Seward the patronage passed from the control of the Albany Regency into the hands of one man, Thurlow Weed. The term "Dictator," with which the democrats dubbed him, is perhaps too strong since, as it has been expressed: "Weed was no more the directing mind of the administration of Seward than was Hamilton of Washington, or Van Buren of Jackson's, or Seward of Lincoln's."<sup>25</sup> Seward exhibited rare faculties of independence and statesmanship in the great measures of his administration, such as internal improvements, the school question, and reform in legal procedure. But in political matters, especially in the distribution of the patronage, Weed took original, and usually final, jurisdiction. Shrewd office-seekers learned to seek the favor of Weed and of him alone.<sup>26</sup>

The offices formally at the disposal of the governor during these years were numerous, although it has been demonstrated that, with a very few exceptions, the governor had little actual control over their disposition. Many statutory offices had been created,<sup>27</sup> but the great bulk of the patronage consisted of the judicial offices, which were constitutional. This concentration of the appointing power was not consistent with the democratic principles of that period. Furthermore, the strength of the Albany Regency was dependent upon a centralized system of appointments. The force of these two arguments was felt in the convention of 1846. The constitution of that year provided for a general system of elective offices. The only constitutional offices left within the governor's patronage were military.

After this it was not until 1876 that there were any amendments to the constitution affecting the governor's appointing

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<sup>24</sup> Quoted in Bancroft, "Life of William H. Seward," I, 18.

<sup>25</sup> Alexander, "Political History of the State of New York," II, 33.

<sup>26</sup> Bancroft, "Life of William H. Seward," I, 78.

<sup>27</sup> E. g., superintendents and commissions of various sorts; port wardens; harbor-masters; examiners of prisons; inspectors of flour, lumber, etc. For extent of patronage in 1839 see Alexander, "Political History of New York," II, 36.



power, when provision was made for the appointment by the governor and senate of the superintendent of public works and the superintendent of state prison. In 1894 a few minor additions were made but, constitutionally, the governor's power of appointment was still greatly limited. The rise of the administrative board or commission, however, added considerably to his list of appointees. With the exception of the state board of charities, the commission in lunacy and the commission of prisons, which are constitutional agencies, the boards and commissions found in the administrative department of New York are statutory. In 1914 the members of seventeen of these were appointed by the governor alone.<sup>28</sup> Fourteen were appointed by the governor and senate. In addition there were nine departments the members of which received their appointment from the governor, subject to senatorial confirmation. The governor's patronage also included the boards of managers and trustees of forty-one institutions, hospitals and schools, and fourteen other officers.<sup>29</sup> In all the governor appointed five hundred and fifty-eight officers. The chief administrative officers of the state are still elected by popular vote.

### 3. *The Governor in Legislation*

In legislation the governor exercises a dual function. His constitutional veto gives him a negative on the actions of the legislature. The ill-training of the average legislator and the mass of legislation to be put through at every session, however, make a guiding force necessary. The governor's position as representative of the entire state has brought upon him this task of formulating a legislative program. The constitution of New York provides that the governor "shall communicate by message to the legislature at every session the condition of the state, and recom-

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<sup>28</sup> Seven contained members ex officio or appointed by a different authority.

<sup>29</sup> Health officer of the port of New York; fiscal supervisor of state charities; three superintendents of elections; three harbor masters; superintendent of weights and measures; state architect; commissioner of the highway department; special examiner and appraiser of canal lands; miscellaneous reporter; and commissioner to index the session laws.

mend such matters to it as he shall judge expedient." Although the governors have not used this power to the extent of making their recommendations in the form of bills, an interpretation warranted by the language of the provision,<sup>30</sup> nevertheless they have used it as justification for outlining schemes of legislation which the law-makers should consider.

The messages of George Clinton reveal no clear legislative policy but consist rather of a number of isolated recommendations, dealing largely with special cases such as the settlement of accounts with the Indians or of claims resulting from the war. In his last administration, when the government of the state had become fairly well established, his opening speeches<sup>31</sup> pertained more to questions of state-wide interest, but they offer us no evidence of a carefully conceived plan. Again, in the messages of De Witt Clinton, it is hard to detect any definite policy, although he recommended measures concerning matters of such universal concern as prison reform, currency, agriculture, schools, and internal improvements. Van Buren held the governorship for two months only but his single message reveals a very clear understanding of conditions and good judgment in the measures recommended, of which all but one were adopted.<sup>32</sup> The first message of Governor Seward outlined a legislative policy to which he adhered throughout his entire career as governor. The principal suggestions were enlargement of the school system, support of internal improvements, a more humane policy toward the immigrant, and reform of the judiciary. Some of them were too advanced for the time but within little more than a decade the major part became law.<sup>33</sup> Of the twenty-three measures recom-

<sup>30</sup> Alexander, "Political History of New York," II, 35.

<sup>31</sup> Address of Governor Woodrow Wilson before the House of Governors, 1910; quoted in Mathews, "The New Rôle of the Governor," *American Political Science Review*, VI, 224.

<sup>32</sup> Under the constitution of 1777 the governor delivered the opening speech in the presence of the two houses. The constitution of 1821 provided that communications from the governor to the legislature be made by written message. C. Z. Lincoln, "Messages from the Governors," III, 1.

<sup>33</sup> See "Messages from the Governors" for recommendations incorporated in the statutes.

mended in this message eleven were adopted before the end of the session and one at the next session of the legislature.<sup>34</sup>

It has been indicated that the necessity for a guiding hand in law making is the result of two causes: the quality of the legislators and the mass of legislation. The large increase from year to year in the output of legislation will be evident upon examination of the following table:<sup>35</sup>

<i>Governor</i>	<i>Year</i>	<i>Number of Laws Enacted</i>
George Clinton .....	1778	47
	1784	65
	1802	122
DeWitt Clinton .....	1818	240
Van Buren .....	1829	377
Marcy .....	1833	323
Seward .....	1839	390
Cleveland .....	1883	523
Roosevelt .....	1899	741
Hughes .....	1907	764

Moreover, these numbers do not adequately represent the amount of business which must be considered by the legislature in an average session of six months duration. In 1907, at the regular session, 1,198 bills were introduced in the senate and 1,987 in the assembly. It is not surprising that the ordinary legislator loses his perspective in such a maze of legislation, and, machine-like, simply registers approbation or disapprobation. The legislative situation is further complicated by the fact that much of this legislation is special or local. Of the 737 laws passed in 1901 only 249 were general.<sup>36</sup> These special interests consume a large part of the legislature's time and crowd out measures of interest to the whole state. Grover Cleveland recognized this weakness in our state system of law-making when governor in 1884 and said in his annual message: "Another evil which has a most pernicious influence on legislation, is the introduction and consideration of bills purely local in character, affecting only special interests, and which ought not upon any pretext to be permitted to

<sup>34</sup> "Messages from the Governors," III, 706-747, 722.

<sup>35</sup> "Third Annual Report of the Secretary of State," 1913, 70-7.

<sup>36</sup> J. B. Phillips, "Recent State Constitution Making," *Yale Review*, XII, 404.



incumber the statutes of the state. Every consideration of expediency, as well as the language and evident intent of the Constitution, dictate the exclusion of such matters from legislative consideration."<sup>37</sup>

These two conditions then, the mass of business before the legislature, and the preponderance of special legislation, render indispensable the guidance of a single leader. The governor fills this need through his position as representative of the entire state if not from superior personal ability. The messages of the more recent governors have been divided into topics of general concern to the state, such as canals, taxation, public utilities, trusts, labor, public instruction, civil service, and so on. Under each topic a review of the condition of the state in that particular matter is made and measures to improve those conditions are suggested. Of the twenty-four measures recommended by Governor Cleveland in 1883 fifteen became law. In 1900 Governor Roosevelt recommended forty-four distinct measures, of which twenty-eight were adopted.<sup>38</sup> At the regular session in 1908 Governor Hughes made forty-five suggestions for bills. Twenty-three of these were enacted before the close of the session.<sup>39</sup>

The special message has been used by recent governors to a great extent in guiding the course of legislation. Both the Clintons issued a great many special messages but, in almost every case, the subject of the message was confined to an isolated case, affecting a particular individual or group of individuals. In 1899, however, Roosevelt made twenty-three recommendations by special message, all of which became law. In 1900 he made twenty-one, eighteen of which were adopted.<sup>40</sup> In 1908 the special messages of Governor Hughes contained thirty-three

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<sup>37</sup> "Messages from the Governors," VII, 939.

<sup>38</sup> See Roosevelt, "Annual Message," 1900. *Ibid.*, X. See also *Ibid.*, VII, 815-840, and X, 74-126.

<sup>39</sup> "Public Papers of Governor Hughes," 1908, 13-38. "New York Legislative Index," 1908.

<sup>40</sup> Fifteen at the regular session; eight at the extra session. "Messages from the Governors," X, *passim*, and 141-150.

measures, of which twenty were passed.<sup>41</sup> These messages were, in every case, supplementary to the annual message and, almost without exception, contained recommendations of interest to the whole state.

The suggestions found in these special messages fall into several classes; measures which have not been touched upon in the annual message, measures advocated in the annual messages but which the legislature has disregarded, and emergency measures. The use of the special message to secure the immediate passage of second class is well illustrated by Governor Hughes's efforts to secure the passage of his race-track law. In his annual message of 1908 he recommended the removal of discrimination in favor of race-track gambling. No action was taken by the legislature, so, on April 9, he sent a special message relating primarily to this subject. Again, on June 8, he issued a similar recommendation. Partly as a result of these messages and partly through popular agitation a bill embodying his suggestion was passed June 11. The use of the special message to secure the immediate passage of emergency measures is demonstrated by an examination of the special messages of Theodore Roosevelt. Of the sixteen measures recommended by special message in his first administration thirteen were emergency measures.<sup>42</sup> Five of the eight special messages delivered to the extra session of 1899 were emergency measures. At the regular session of 1900 twenty-two of the twenty-four recommendations made by special message were for the immediate passage of certain bills.<sup>43</sup> The efficacy of the emergency measures is apparent when it is observed that, of the thirty-six emergency measures found in the special messages of 1899 and 1900, twenty-nine became law. In 1907 Governor Hughes sent to the legislature forty-two emergency messages; in 1908 thirty.<sup>44</sup> One criticism of this power of the governor is that

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<sup>41</sup> "Public Papers of Governor Hughes," 41-57. "New York Legislative Index," 1908.

<sup>42</sup> "Messages from the Governors," X, 33 and 42-47.

<sup>43</sup> *Ibid.*, X, 72-73, 144-150.

<sup>44</sup> "Public Papers of Governor Hughes," 1907, 189-194; 1908, 133-137.

the use of the emergency message constitutes executive legislation.<sup>45</sup> The bill frequently comes from the executive and is rushed through the legislature, which has not had time to become acquainted with its contents. The executive, however, has no legal initiative in legislation and if the governor must exercise leadership in law-making, a means must be found whereby he can assume the initiative in a more regular manner.

The governor's position as a controlling factor in legislation is grounded on an entirely constitutional basis, the executive veto. The growth of the veto power in New York, from a mere concurrent action under the first constitution to the acquisition of the item veto on appropriation bills in 1874 has been already traced. The importance of this power can hardly be over-estimated. "The use of his veto is, in ordinary times, a governor's most serious duty," says Lord Bryce, "and chiefly by his discharge of it is he judged."<sup>46</sup> The potency of the veto is, moreover, enhanced by the fact that a bill is rarely passed over the governor's veto.

The practice of the governors of New York in exercising the veto varies. Governor Yates, the first governor under the constitution of 1821, exercised the veto power four times,<sup>47</sup> only once with success. In two administrations De Witt Clinton vetoed only three bills. Marcy showed the same disinclination to use the new power, for, throughout his three terms, only five bills were vetoed. Seward expressed the prevailing sentiment in regard to this function: "The general responsibilities of making laws rest with the legislature, while on the executive are devolved only the duties of recommending measures and of rejecting, for sufficient causes, bills originated and perfected by the representatives of the people." After enumerating the nature of bills which he considered justifiably vetoed, he said: "The person administering the government could not interpose objections to less important bills upon the mere ground of a difference of opinion concerning their

<sup>45</sup> "Record of the Constitutional Convention of New York," 1915, I, 762.

<sup>46</sup> Bryce, "The American Commonwealth," Ed. 1912, I, 500.

<sup>47</sup> For veto messages and record of measures passed over the governor's veto see "Messages from the Governors" (Lincoln edition).



expediency without assuming an undue share of legislative responsibility."<sup>48</sup> In 1842, after delivering this message, he exercised the veto power three times. The governors who followed Seward adopted the same attitude for, in the next twenty-six years only 114 bills in all were vetoed and eight sessions of the legislature<sup>49</sup> passed without any veto by a governor. The first extensive use of the veto came in the administration of Governor Hoffman. During his two terms he vetoed 496 bills, 379 of them after the adjournment of the legislature. Governor John A. Dix, who succeeded Hoffman, vetoed 198 bills in one term.

In 1874 important changes were made in the veto power. The difficulty of overriding the governor's veto was increased by requiring a vote of two-thirds of the members elected to each house rather than of those present. The period after adjournment in which the governor might act upon bills submitted to him by the legislature was limited to thirty days. Finally, the power to veto items in appropriation bills was added. From this point the veto must be considered under three heads: the veto on ordinary legislation during the session of the legislature; the governor's action on bills after adjournment; and the item veto on appropriation bills.

The administration of Governor Tilden showed a reaction against the extremities to which Hoffman and Dix had gone. Only seventeen ordinary bills<sup>50</sup> were returned without the governor's signature. With Governor Robinson, however, a counter-reaction set in. In his single term<sup>51</sup> he vetoed 121 bills. Cornell vetoed the same number, Cleveland vetoed 64 bills,<sup>52</sup> Hill, in seven years as governor vetoed 256, and Flower vetoed 103. After 1894 the number of vetoes on ordinary bills decreased, ranging from one during Governor Black's administration<sup>53</sup> to

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<sup>48</sup> "Messages from the Governors," III, 973, 974.

<sup>49</sup> Sessions 1866, 1867, 1869-72, 1879, 1887.

<sup>50</sup> The item veto and action upon thirty-day bills during the administrations of Tilden and his successors will be discussed later.

<sup>51</sup> The governor's term had been increased to three years in 1874.

<sup>52</sup> Cleveland served only two years, as in 1885 he resigned to become president.

<sup>53</sup> The constitution of 1894 restored the two year term.

77 under Governor Odell.<sup>54</sup> Governor Hughes, in his two terms, vetoed 61 ordinary bills during the session of the legislature. The value of the veto power arises from the fact that a bill is rarely passed over the veto. Of the 1,097 bills vetoed before the end of the legislative session between the years 1823 and 1911 only sixteen were passed over the veto.<sup>55</sup> An examination of the reasons set forth by the governors in their veto messages shows that many of these bills were either poorly drafted or were clear cases of special legislation. These are two of the principal legislative evils which justify executive leadership in legislation.

The need of a single, controlling head in state legislation is perhaps best illustrated by the development of the thirty-day bill and of the omnibus veto. Before 1874 no limit had been placed upon the time, after the adjournment of the legislature, in which the governor might act upon the bills left in his hands. Up to 1868 it had been the general practice for the governors to take action before the legislature adjourned. Before that date only nine bills had been vetoed after the close of the session.<sup>56</sup> In 1869 John T. Hoffman became governor of New York. Realizing, perhaps, that a veto interposed after adjournment was free from subsequent action on the part of the legislature, he adopted the policy of withholding his disapproval until that body had adjourned. In 1869 he vetoed thirty-five bills after the adjournment of the legislature, in 1870 he vetoed 132, the next year 144, and in the following year 68. Governor Dix pursued the same practice and, in each year of his administration, vetoed 91 measures after the session closed. These numbers were unprecedented. Furthermore, the governor took an unwarranted amount of time in which to act upon the bills in his hands. In 1869 the last veto was filed within eleven days from the end of the session. In 1870 seven weeks elapsed before action was taken upon the last bills submitted to the governor at the adjournment of the legislature. The legislature of 1871 adjourned on April 21 but

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<sup>54</sup> During the first three years of his governorship.

<sup>55</sup> See Appendixes A and B.

<sup>56</sup> See Appendix A.

the last veto memorandum was not filed until December 29. The same practice continued throughout the three following years, although it was never again quite so flagrant. The result was apparent in the constitutional revision of 1874, when an amendment was adopted and ratified whereby a thirty-day limit was placed upon the time in which the governor might act upon legislation after the legislature adjourned.<sup>57</sup>

From that date the thirty-day bill became a very important factor in New York state legislation. The frequent recesses of the legislature and the preponderance of special and local legislation resulted in the postponement of the great mass of business until the latter part of the session. Consequently at the time of final adjournment a large number of bills were left in the hands of the governor. For example, in 1883, at the adjournment of the 106th session, 357 bills had been signed by the governor, and 249 remained subject to his action. In 1889 the legislature left in the hands of Governor Hill 451 bills.<sup>58</sup> To become laws these bills must receive executive approval before the close of the thirty-day period. The governor's disapproval may be voiced in two ways: he may consider each bill separately and file a veto memorandum with each one; or he may withhold his approval from a large number collectively. In the latter case he either gives no reason for his action or he files a general memorandum to the effect that the bills are objectionable on the grounds of defective drafting, unconstitutionality, duplication of bills already passed, or unnecessary special legislation.<sup>59</sup> This general disposition of bills remaining unapproved at the end of the thirty-day period is known as the "omnibus veto." The importance of the thirty-day bill and the omnibus veto lies in the fact that they afford the governor an opportunity of passing judgment upon the work of the legislature. Since that body has adjourned, it cannot review the governor's disapproval. The governor thus ceases to be a mere

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<sup>57</sup> Amendment of Art. IV, Sec. 9. Thorpe, "Charters and Constitutions," V, 2680.

<sup>58</sup> "Messages from the Governors," VII, 940; VIII, 871.

<sup>59</sup> "Messages from the Governors," X, 943.



restraining hand in legislation and becomes a positive force in dictating which of the hastily enacted measures shall be enrolled on the statute books. Governor Cleveland realized the arbitrary control which this practice placed in the executive, and, in his annual message of 1884, recommended that, so far as it was possible, bills be submitted to him in time to permit the legislature to review his action.<sup>60</sup> The omnibus veto of that year, however, included 133 bills as against twenty-seven vetoes interposed during the annual session. The thirty-day period assumed a position of prominence in the legislative activities of New York and has maintained it to the present.

Another phase of the subject of thirty-day legislation is the item veto of appropriation bills. With but one exception,<sup>61</sup> from 1895 to 1911 this power has been exercised only during the thirty-day period. The governor received the item veto on appropriation bills in 1874 by an amendment to the constitution.<sup>62</sup> In 1894 this provision was incorporated in the new constitution. Samuel J. Tilden was the first governor to exercise the new function. During the regular session he did not strike out any items but during the thirty-day period he vetoed forty-two, thereby reducing the total appropriations \$317,730.94. In his annual message of the following year he expressed his attitude toward the item veto in these words: "The amendment to the Constitution imposing on the governor the obligation to revise every item of appropriation, works a change in official practice, amounting to a revolution. Hitherto, as the appropriations were embraced in bills that had to be accepted or rejected as a whole, the items have been, in effect, withdrawn from the action of the governor. The responsibility now devolved on him is very laborious and difficult. It tends, perhaps, to work some change in the customary relations of the departments. . . . There seems to be a disposition to hold the executive to the extreme of accountability in respect to appro-

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<sup>60</sup> *Ibid.*, VII, 940.

<sup>61</sup> In 1910 Governor Hughes vetoed three items during the regular session. See below, Appendix B.

<sup>62</sup> Amendment to Art. IV, Sec. 9, 1974. Thorpe, "Charters and Constitutions," V, 2680.

priations. This tendency may be carried so far as to disturb the constitutional equilibrium of the executive and legislative forces."<sup>63</sup> The truth of these last words is proved by an examination of the exercise of the item veto by Governor Odell and Governor Hughes, who used it more extensively than any of the other governors. In 1903, after the adjournment of the legislature, Governor Odell objected to 131 items, thereby reducing the appropriations for the year \$1,757,674.62. Governor Hughes, in 1910, deducted over \$3,000,000 from the appropriation bills by striking out 239 items. Such a practice constitutes a severe inroad upon the constitutional theory of the separation of departments. Governor Hill felt that in freely exercising the item veto he would be overstepping the bounds of his departments,<sup>64</sup> and throughout his seven years in office he made very conservative reductions in appropriation bills. The right to initiate money bills is denied the governor and the legislature may still hamper the administration by too rigid economy or by unscientific distribution of the public money. But the power to veto items in appropriation bills, especially when it is exercised during the thirty-day period, has given the state executive an absolute authority in fiscal legislation which is surely subversive of the Anglo-Saxon principle that in the legislature should rest the control of the purse.

#### 4. *Movement to Reform the Administrative System*

Chiefly through his increased participation in legislation the governor has become the responsible political leader of the state. His position in administration, however, is still comparatively weak. During the early years of our state government the public functions of the state were few and the need of a strongly centralized administrative system was more theoretical than practical. From the close of the Civil War to the opening of the twentieth century the state's functions multiplied rapidly. As a consequence corruption set in and the attainment of honest government was of greater concern than the development of an effi-

<sup>63</sup> "Messages from the Governors," VI, 925.

<sup>64</sup> "Messages from the Governors," VIII, 990.

cient system.<sup>65</sup> The anomaly of an executive whose principal functions were legislative and of a legislature exercising control over administration did not concern the electorate. The inefficiency resulting from such a system had, as yet, failed to strike home through the tax-bill.

Nevertheless, as early as 1872, Governor Hoffman recognized the evils of the existing administrative system. "Under the existing constitution," he said, "the executive department of the state is not so organized as to insure the most efficient administration of affairs, and the most complete and direct responsibility. . . . The governor ought to be held responsible for every branch of the actual administration of the state's affairs. Under our present constitution, all the important departments are separated from his control."<sup>66</sup> As a remedy for this condition he recommended: (1) that the secretary of state and the attorney-general should be appointed by the governor without the intervention of the senate, and should hold office during his pleasure; and (2) that a superintendent of prisons should be appointed by the governor, with or without the consent of the senate, and should be removable by him at any time for cause.<sup>67</sup> These officers, he thought, would form a valuable council to the governor. The constitutional commission of that year adopted these views in part and reported amendments providing for the appointment by the governor of the secretary of state, attorney-general and state engineer and surveyor. The legislature did not adopt this plan.<sup>68</sup>

Again, in 1894, it was observed that the real trouble with our state governments lay not in the composition of the legislature but in its usurpation of executive power. To remedy this defect it was suggested a clear delineation of the executive and legislative power and a readjustment of the functions of these two branches in accordance. To this end the following amendments

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<sup>65</sup> R. E. George, "Increased Efficiency as a Result of Increased Governmental Functions," *Annals of the American Academy*, LXIV, 78.

<sup>66</sup> "Messages from the Governors," VI, 395-396.

<sup>67</sup> *Ibid.*, 396.

<sup>68</sup> *Ibid.*, 397, note.



to the constitution of New York were suggested: (1) the secretary of state, comptroller, treasurer, attorney-general, state engineer and surveyor, and the superintendents of public works and of state prisons should be appointed by the governor alone, and should hold office during his term unless sooner removed by him; (2) the governor and certain subordinates should have the right of attending the sessions of both houses and of taking part in the debates relating to their respective departments; (3) there should be an annual budget prepared by the state treasurer, as agent of the executive administration, the items of which the assembly might decrease but not increase.<sup>69</sup> These amendments, it was thought, would produce unity, strength, and responsibility in the administration. The proposals were too advanced for that time and were not adopted by the convention which met in that year. Nevertheless, a beginning had been made. The primary principle of efficient administration, namely: that the executive head should control the appointment of subordinates responsible to him, had been recognized as an indispensable factor in good government.

Governor Hughes pointed out the defects in the administrative system of New York in his inaugural address of 1909. He described the position of the chief executive in these words: "While the governor represents the highest executive power in the state, there is frequently observed a popular misapprehension as to its scope. There is a wide domain of executive or administrative action over which he has no control, or slight control. There are several elected state officers, not accountable to the governor, who exercise within their prescribed spheres most important executive powers. . . . The multiplication of executive duties incident to the vast and necessary increase in state activities has resulted in the creation of a large number of departments exercising administrative powers of first consequence to the people. The governor has the power of appointment but in most cases the concurrence of the senate is necessary. The terms of these officers are gen-

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<sup>69</sup> G. Bradford, "Reform of Our State Governments," *Annals of the American Academy*, IV, 890-902.

erally longer than the governor's term. And in their creation the legislature with few exceptions has reserved final administrative control to the senate in making the heads of departments, to whose appointment the senate's consent is necessary, removable only by it." After contrasting the state system with that of the federal government he explains the necessity of concentrating executive power in the governor. "A division of accountability which practically results in no real accountability to any one lessens the proper stimulus to efficiency. Responsibility to the people is the essential safeguard of free institutions. This does not mean the election of all or even of a greater number of administrative officers, for undue burdens upon the electoral machinery would defeat its purpose. But it would seem to imply that distribution of administrative powers should have as its correlative the proper centralization of responsibility. It may fairly be said to require that the executive authority, exercising the appointing power under whatever check, should be responsible for administration and should have the control upon which such responsibility must rest."<sup>70</sup>

In his annual message of the succeeding year he revoiced this sentiment: "It would be an improvement, I believe, in state administration if the executive responsibility were centered in the governor who should appoint a cabinet of administrative heads accountable to him and charged with the duties now imposed upon elected state officers."<sup>71</sup>

It may, perhaps, be thought natural that the governor, feeling himself handicapped by the limitations on his administrative authority, should express such ideas as these. By this time, however, the necessity of concentrating administrative functions in his hands had suggested itself to publicist, politician and legislator alike. In 1909 Professor Beard attributed the failure of our democratic system to produce efficient government to the "ballot's burden" and recommended the shortening of the ballot by allow-

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<sup>70</sup> "Public Papers of Governor Hughes," 1909, 8, 29.

<sup>71</sup> "Public Papers of Governor Hughes," 1910, 29.

ing the governor to appoint all the executive officials.<sup>72</sup> In April, 1910, the New York Short Ballot Organization was formed. Its purpose was to study local conditions in regard to the ballot and to procure the adoption of statutory and constitutional amendments embodying the short ballot principles.<sup>73</sup> During the legislative session of 1910 two resolutions were introduced, one in the assembly, the other in the senate, providing for a short ballot. The former provided for the appointment by the governor with the consent of the senate of the secretary of state, attorney-general, state treasurer, and state engineer and surveyor.<sup>74</sup> The latter proposed that all the present elective state officers, except the lieutenant-governor, should be appointed by the governor alone.<sup>75</sup> The senate resolution was smothered in committee; the assembly resolution was defeated by an adverse vote.

The dominant political parties in the state, furthermore, incorporated the short ballot in their programs.<sup>76</sup> In 1912 the republican and progressive conventions both accepted the principle. In 1913 a republican mass meeting was held in New York City, which unanimously approved the plan of leaving only the governor and lieutenant-governor elective officers. The reason given for this stand was that the long ballot was in violation of the best principles of organization, which require that the governor should have power to select his official agents. In consequence of this action a resolution favoring the short ballot was adopted by the assembly of 1914, but it was lost in the senate. The mass meeting had also directed the appointment of a committee of thirty to prepare a statement of the views of the republican party concerning the provisions of the new constitution. Its report, which was adopted by the committee on resolutions and submitted to the convention, favored the short ballot. Finally,

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<sup>72</sup> C. A. Beard, "The Ballot's Burden," *Political Science Quarterly*, XXIV, 589-614.

<sup>73</sup> *American Political Science Review*, V, 83.

<sup>74</sup> "Assembly Introductory, No. 395." *New York Legislative Index*, 1910, 141.

<sup>75</sup> "Senate Introductory, No. 1092." *Ibid.*, 96.

<sup>76</sup> "Record of the New York Convention," 1915, III, 3382-3385.



in 1914, the democratic convention declared in favor of the appointment of all officers except the governor, lieutenant-governor, attorney-general, and comptroller.

The movement to secure greater efficiency in state administration resulted, in several states, in the formation of commissions of economy and efficiency. In 1913 Governor Sulzer of New York appointed a committee to investigate the expenditures of the state.<sup>77</sup> This committee recommended the establishment of a department of efficiency and economy, and the legislature created such a department. The statute prescribed that the commissioner in charge should inspect, supervise, investigate, and examine the operations of all other departments and make such recommendations as he deemed necessary to increase their efficiency.<sup>78</sup> Because of political differences the department existed less than two years,<sup>79</sup> but in that time it partially investigated almost every state department. Finding that a great many overlapped each other it reported that a simplification of the state government was of the greatest importance.<sup>80</sup>

The changes advocated by both the political and lay elements in the state were fundamental and could not be effected without constitutional amendment. The constitution of 1894 provides for the amendment of the constitution at the initiative of the legislature or for revision by a popularly elected convention. The loss of legislative influence which the suggested reforms would entail destroyed the probability of securing the desired amendments by the former method. The question of revision by a convention was to be decided by the electors of the state at the general election in 1916.<sup>81</sup> For purely political reasons the democrats, who were in control of the state in 1914, advanced the date of submitting the question.<sup>82</sup> The absence of any great

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<sup>77</sup> *American Political Science Review*, VIII, 64.

<sup>78</sup> "Laws of 1913," Chap. 280.

<sup>79</sup> Abolished by the legislature, 1915. *American Political Science Review*, X, 96.

<sup>80</sup> "Municipal Research," No. 63, 542.

<sup>81</sup> Art. XIV, Secs. 1, 2.

<sup>82</sup> C. A. Beard, "The New York Constitutional Convention," *National Municipal Review*, IV, 637.

public demand for constitutional revision is shown by the very small margin by which the proposition was carried.<sup>83</sup>

The work of compiling data for the delegates to the convention began, in 1914, with the creation of a constitutional convention commission, consisting of the president of the senate, the speaker of the assembly and three citizens appointed by the governor.<sup>84</sup> This commission was to collect, compile and print data to be supplied to the delegates before the opening of the convention. It turned over the greater part of its work to the Bureau of Municipal Research.

That organization, in conjunction with the state department of efficiency and economy, investigated the condition of the state government and published the results officially in the annual report of the department of efficiency and economy. This report comprises a minute analysis of the governmental organization of the state, based upon an exhaustive survey of the state administration as it existed in November, 1914. The survey was intended to serve as a working basis for revision and, consequently, was purely descriptive. Recommendations as to reorganization were deliberately avoided. At the request of the constitutional convention commission, however, the Bureau of Municipal Research prepared an appraisal of the constitution and government of New York. This contained a comprehensive criticism of the defects of the existing system and made fundamental suggestions as to reorganization. Detailed recommendations were reserved for direct submission to committees. Both of these publications were submitted to the convention.

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<sup>83</sup> Out of 1,718,712 registered electors only a little over 310,000 voted on the proposition, which was carried by a majority of 1353 votes. Therefore practically only 153,000 votes were cast for revision. W. T. Arndt, "The Defeated New York Constitution," *National Municipal Review*, V, 94.

<sup>84</sup> "Laws of 1914," Chap. 261.

## CHAPTER IV

### THE NEW YORK CONSTITUTIONAL CONVENTION OF 1915

#### 1. *Reorganization of the Administrative System*

The constitutional convention opened on April 6, 1915. The republicans claimed 116 and the democrats 52 members, but party alignment was not strict. The cleavage was rather between stand-pat machine men of both parties on the one hand and the conservatively progressive element on the other.<sup>1</sup> The *modus operandi* of the convention resembled that of every large legislative or constituent body in that the major part of the work was carried on by committees. The committees in charge of the reorganization of the administrative system, however, instead of relying upon their own knowledge and ability to draft amendments, allowed the Bureau of Municipal Research to prepare a series of bills embodying the principles laid down in the appraisal of the state government. The former commissioner of efficiency and economy, Mr. John H. Delaney, and the Hon. John G. Saxe, a member of the convention, coöperated with the Bureau in this work. After formal introduction into the convention, these bills were referred to the proper committees. Practically the entire first two or three months were devoted to committee hearings, at which experts on the question in hand were allowed to speak.<sup>2</sup> Conferences were also held with every state officer performing functions of an executive or administrative nature. With this expert advice as a working basis the committees finally drafted amendments, which were reported to the convention, debated and put to vote.

The defects in the administrative system, which the survey and appraisal of the state government had revealed, compelled consideration of the problem of concentrating administrative authority in the chief executive. Investigation had proved that there

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<sup>1</sup> G. Mason, "Rebuilding a Constitution," *Outlook*, CX, 902-904.

<sup>2</sup> See "Municipal Research," Nos. 62 and 63, for discussions before the Committee on the Governor and other State Officers and the Committee on Finance, Revenues and Expenditures.



were 152 separate administrative or executive agencies in the state.<sup>3</sup> These were not grouped into departments, according to functions, under the control of a single responsible head. Neither had any consistent principle been followed in deciding which officers should be elected and which appointed; or in defining the official duties of each; or in determining which officers should be constitutional and which statutory. In the appraisal the executive and departmental organization of the state was classified as of a nondescript type, in which some of the department executives might be held responsible through the governor; other department executives might be independent; and still others might hold such an ill-defined position as to be uncertain to whom they were responsible. Article V of the constitution, which creates certain administrative offices, was described as "a historical accumulation, not a reasoned product of administrative science."<sup>4</sup> The keynote to the problem which lay before the convention was expressed in these words: "Inasmuch as the whole course of political evolution in other advanced democracies has been in the direction of responsible and efficient executive leadership, and inasmuch as substantial gains in American government have come from halting steps in that direction, the constitutional convention is called upon to answer this fundamental question: Is it desirable to retain a system of government that secures only irresponsible and invisible leadership or should cognizance be taken of the expedients which have been developed during the last hundred years for making leadership effective and responsible? The discontent with and organized opposition to the present system are obvious. From the point of view of democracy it is unsuccessful and from the point of view of business management it stands universally condemned."<sup>5</sup>

The remedy proposed to meet these conditions was threefold: (1) the grouping of administrative agencies into logical departments under the control of a responsible executive; (2) the ap-

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<sup>3</sup> "Municipal Research," No. 63, 556.

<sup>4</sup> *Ibid.*, No. 61, 90, 95, 96.

<sup>5</sup> *Ibid.*, 58.

pointment of the heads of these departments by the governor, incidentally resulting in a shortened ballot; (3) the institution of an executive budget. As the reorganization of administrative departments under a responsible executive necessarily involves the appointment of many officers which are now elective, the first two points may be considered under one head.

The coördination of similar functions in one department was not a new idea. The federal government affords an excellent example of the grouping of activities into administrative divisions. In 1903, in predicting the future of the commission system, one writer suggested a scheme for the grouping of the state commissions into eight departments.<sup>6</sup> Professor Beard, in his "American Government and Politics," recommends ten executive departments, each under the head of a responsible officer, preferably appointed by the governor. The bills framed by the Bureau of Municipal Research, commonly known as the Saxe amendments,<sup>7</sup> provided for the following organization of the executive branch of the government: a governor; an executive department; a central bureau of administration; and eleven administrative divisions. The executive department should correspond to the department of state. The central bureau of administration should have no responsibility for the execution of the public business but should exercise purely staff functions in conducting independent investigations and in making reports to the governor. The executive heads of the eleven administrative divisions were to constitute the executive council. This body could not exercise any independent powers but should act for the governor in the direction and control of the administrative departments and should meet as a cabinet to advise the governor. The governor should have power to appoint, and remove at will, the members of the executive

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<sup>6</sup>F. H. White, "The Growth and Future of State Boards and Commissions," *Political Science Quarterly*, XVIII, 655.

<sup>7</sup>"New York State Constitutional Convention, 1915. Proposed Amendments," II. Amendments No. 510 and No. 555. The former defined the functions of the administrative divisions; the latter outlined the actual organization of each division. In every other respect they were identical. A third amendment, No. 727, was introduced by Mr. Saxe, providing for fifteen departments with heads appointed by the governor.

council, except the commission of education, the director of the central bureau of administration, and the secretary of state. He was also empowered to appoint all executive and administrative boards and commissions, which were to serve during pleasure. Over the rules and decisions of these bodies he was to exercise the power of modification or veto. The comptroller and attorney-general were to remain elective officers. The term of the governor was to be four years, unless he should dissolve the legislature, in accordance with the provisions of the amendment, in which case he, as well as the legislature, must stand for reelection. The bill also contained provision for an executive budget.

These amendments were introduced in the convention on June 9 and 10. After a second reading they were referred to the committee on the governor and other state officers and to the committee on state finances, revenues, and expenditures. On June 24 the former committee held a hearing on them, at which their sponsor, the Hon. John G. Saxe, and Dr. Frederick A. Cleveland, director of the Bureau of Municipal Research, explained these amendments. Dr. Cleveland described the working of a division under the proposed plan, outlining the subdivision into departments and the overhead machinery, and showing the possibility of correlating the work of each department to that of the whole division and of the division to the entire administrative system. He emphasized the necessity of giving the divisions ordinance power, subject to the governor's veto, and of providing for staff advice for each administrative group from the governor to the lowest unit.<sup>8</sup> The purpose of the amendment, namely, to make the governor a responsible agent for getting the public business of the state done, and to provide the machinery which would enable him to become such an agent, is probably best expressed in Dr. Cleveland's own words: "Instead of being isolated from heads of departments, as he is at the present time, and instead of being permitted only to read the legislature a speech once a year, when the members get together, and instead of his having no power to initiate measures of administrative importance and of

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<sup>8</sup> "Municipal Research," No. 63, 489, 496, 498.



being limited in his powers of control to taking an axe and violently slicing up the bills initiated by persons having no administrative responsibility after they are passed; instead of being set apart from everyone and everything—isolated to such an extent that the governor has no physical or institutional means of keeping in touch with the current business of the state, it is proposed that he should be given the power to appoint persons who shall represent him; power to require these persons to prepare and submit plans for approval; power to lay plans and proposals before the legislature, and in case of lack of support in the legislature, power to carry the issue before the electorate. These are the general provisions; we also think it desirable as a part of the organization for getting things done to group the work in such a way that similar things may be handled together, and then as a means of central control over work policy that the governor, as the chief executive, should be given the power to appoint as many vice-governors or division executives as there are grand divisions of administration. . . . In addition to this, the governor would have a central staff organization, which, together with these heads meeting as an executive council, would be the means of having presented to him questions of policy after each had been well considered by a sectional group. The governor would thus be made the head of an administrative court with a first appeal to the legislature and a final appeal to the electorate.<sup>9</sup>

Other experts made a similar criticism of the state administrative system. The former commissioner of efficiency and economy attributed every evil in the state government to the failure to supervise the absolutely unchecked discretion of individual boards or commissioners. He suggested grouping the administrative agencies into ten divisions and recommended an independent board of control, which should have supervision over the administrative finances. Dr. Frank J. Goodnow, an authority on administrative law, pointed out two salient disadvantages of the existing system: the tendency toward extravagance due to the recognition of so many independent bodies, each with an ex-

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<sup>9</sup> *Ibid.*, No. 63, 517-518.

aggerated idea of its own importance; and the difficulty of developing a permanent service, an indispensable factor in efficient government. He did not make any constructive suggestions as to reorganization. Ex-President Taft compared the federal system with the existing state government, pointing out the advantages of the former over the latter.<sup>10</sup>

To offset the more or less theoretical discussions of these experts, the committee held conferences with officers and commissions acquainted with the practical operation of the government. These agreed with the experts on the evils resulting from the present administrative system and their suggestions for improvement contained the same general principles.<sup>11</sup> As a result of twenty public hearings and of the examination of about seventy witnesses, a bill for the reorganization of the administrative departments was finally drafted and reported to the convention on August 11.<sup>12</sup> This bill provided for the grouping of the administrative functions of the state into fifteen departments.<sup>13</sup> Two of these, the department of justice and the department of audit and control, were to be under the direction of popularly elected officers, the attorney-general and comptroller respectively.<sup>14</sup> Three were to be placed under the control of commissions appointed by the governor, with the advice and consent of the senate. One, the department of education, was to retain its present system of administration.<sup>15</sup> The heads of the remaining nine departments<sup>16</sup> were to be appointed by the governor, with the consent of the senate, and might be removed by him in his discretion. The functions of these departments were clearly de-

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<sup>10</sup> *Ibid.*, No. 63, 564, 577, 580-589, 592-594.

<sup>11</sup> *Ibid.*, No. 63, 614.

<sup>12</sup> "Record of the New York State Constitutional Convention," 1915, III, 1735, 3204.

<sup>13</sup> See "Municipal Research," No. 63, 603-607.

<sup>14</sup> The departments of public utilities, conservation, and civil service.

<sup>15</sup> By the University of the State of New York, with a chief administrative officer appointed by the Regents of the University.

<sup>16</sup> Departments of State, taxation, finance, public works, health, agriculture, charities and corrections, banking, insurance, and labor and industry.

fined and the amendment specified that no new departments should be created.

The chairman of the committee on the governor and other state officers, Mr. Frederick C. Tanner, made the majority report to the convention. After reviewing the present condition of the administrative system, describing it as "a growth by accretion, not a creation by design,"<sup>17</sup> he explained the plan proposed by the committee. There should be three classes of executive officers: (1) the two elective officers, the attorney-general and the comptroller, who bear a peculiar relation to the people of the state as a whole and, therefore, should remain elective; (2) the semi-judicial or legislative boards or commissions, whose relations to the governor are exceptional; and (3) the strictly executive departments, for whose acts the governor is held accountable. The heads of these departments should constitute a cabinet for the governor, on which he must depend for carrying out the policies of his administration. He should, therefore, be given discretionary power of removal over them. A large part of the committee was in favor of the independent appointment of these officers, but senatorial confirmation was agreed to by way of compromise.

Two minority reports were submitted by individual members. One delegate objected to the popular election of the attorney-general and comptroller, on the ground that they were particularly charged with the execution of the laws. He would favor the short ballot without compromise and an undivided executive department.<sup>18</sup> The other minority report expressed the extreme of conservatism in terms humorous but unerring in their appeal to the traditional fear of executive power. "This plan," he said, "would enthrone one man for four years. It would give him direct control of an army of more than 25,000 officers and employees. During his term he would direct state expenditures of more than \$250,000,000. It would give such power as would

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<sup>17</sup> "Municipal Research," No. 63, 609.

<sup>18</sup> Report of Mr. Courtlandt Nicoll, "Municipal Research," No. 63, 614-616.



have gladdened the heart of Alexander, the tyrant of Pherae, or satiated the cupidity of that modern dictator, Castro Venezuela. . . . Pure democracy, with its direct ballot, is impossible with 10,000,000 of people. Its opposite, an aristocracy or monarchy, is contrary to all our traditions. Our fathers gave us a middle course, representative government. To this let us cling. The constitution is the embodiment of the experience of the past. It needs repose, not change."<sup>19</sup> The first of these reports is significant in revealing a criticism which was later directed against the work of the entire convention and which contributed to its defeat at the polls. Too conservative to meet the demands of the radicals, too progressive to suit the reactionaries, this committee, like many others, resorted to compromise, which satisfied neither element in the state.

On August 27 the amendment came up for debate in the committee of the whole. Mr. Tanner opened the discussion with an explanation of the proposal, which very similar to that set forth in the majority report. Mr. A. E. Smith, a Tammany delegate, criticised several details of the bill. He pointed out one serious defect, senatorial confirmation of the appointment of the executive department heads. He explained that this provision would tend to defeat the plan of fixing responsibility upon the governor. An amendment was immediately offered providing that the governor should have absolute power of appointment. This amendment received the support of Mr. Seth Low, ex-mayor of New York.<sup>20</sup> The opposition centered around the increase in the governor's appointing power rather than on the reorganization of departments. The prevailing arguments were the lack of precedent; popular ignorance of the real meaning of the short ballot; the autocratic power of the governor under such a system; and the attack on representative government involved in the implication that the people do not know enough to elect their own officers. The general feeling of the opponents of the amendment

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<sup>19</sup> Report of Mr. Baldwin, "Municipal Research," No. 63, 616-617.

<sup>20</sup> "Record of the New York State Constitutional Convention," 1915, III, 3204-3222, 3222-3238, 3236-3237, 3238, 3323.

was that it would produce efficiency at the cost of self-government and democracy.

On August 30 Elihu Root, president of the convention, addressed the delegates from the floor in support of the proposal.<sup>21</sup> He divided the activities of the state government into two groups: the legal and the extra-legal. The former are carried on by constitutional or statutory officers; the latter by the party leaders and their workers. These latter rule the state by a system of "invisible government," a system which "finds its opportunity in the division of powers, in a six-headed executive, in which, by the natural workings of human nature, there shall be opposition and discord and playing of one force against the other, and so, when we refuse to make one governor elected by the people the real chief executive, we make inevitable the setting up of a chief executive not selected by the people, not acting for the people's interest, but for the selfish interest of the few who control the party."<sup>22</sup>

This speech practically closed the discussion of the proposed amendment. On September 2 the convention adopted it by a vote of one hundred and twenty-four to thirty.<sup>23</sup> As incorporated in the revised constitution, it differed in many respects from the bill proposed by the Bureau of Municipal Research and from the amendment reported by the committee on the governor and other state officers. It retained, however, the fundamental provisions in regard to the grouping of departments and the appointment by the governor of the department heads. Article VI of the proposed constitution provided for seventeen civil departments.<sup>24</sup> The heads of the departments of law and of finance should be popularly elected and for a term co-terminous with that of the governor. The departments of labor and industry, of public

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<sup>21</sup> *Ibid.*, 3381-3390.

<sup>22</sup> *Ibid.*, 3389.

<sup>23</sup> *Ibid.*, IV, 3959.

<sup>24</sup> The departments of law, finance, accounts, treasury, taxation, state, public works, health, agriculture, charities and corrections, banking, insurance, labor and industry, education, public utilities, conservation, civil service.

utilities, of conservation, and of civil service, were placed under the administration of commissions appointed by the governor, with the advice and consent of the senate. The department of education was to retain its present system of administration. The remaining ten departments were placed under the control of officers appointed by the governor independently, and removable by him in his discretion. The legislature was required to assign all the civil, administrative and executive functions of the state government to these departments and was prohibited from creating any new departments.

The amendment bore traces of compromise. For the technical "short ballot" had been substituted a shorter ballot.<sup>25</sup> The financial functions of the state had been distributed among three departments instead of being concentrated in one. The right of the governor to dissolve the legislature and to appeal to the electorate, one of the important provisions of the Saxe amendment, had been ignored. But the foundation was laid for government by a responsible executive, who might find in the appointed department heads "fingers with which to carry on the administration," as Taft did in administering the national government.<sup>26</sup> In an editorial on the amendment as it came from committee, the *New York Times* said: "Here is the promise of coöperation, of a steady, intelligent, understood, and carefully matched general executive policy and action. The blind, haphazard, scatter-brained present want of system looks pitiful enough compared with this well-ordered plan." Its judgment upon the final amendment was very similar: "The Tanner plan is by no means perfect, but it is good so far as it goes. . . . The reorganization of the state departments and a state budget initiated by the governor would be long steps toward accountable, visible government."<sup>27</sup>

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<sup>25</sup> That is, shorter than the existing long or blanket ballot.

<sup>26</sup> Address of ex-president Taft before the committees on finances, revenues and expenditures and on the governor and other state officers, in joint session. "Municipal Research," No. 63, 585.

<sup>27</sup> *New York Times*, August 13, and September 4, 1915.



## 2. *Institution of an Executive Budget*

The institution of an executive budget is as essential to the establishment of responsible government as the reorganization of the state departments. Constitutionally the governor is enjoined faithfully to execute the laws of the state. If he is to be held responsible for their execution he must be given power to estimate the amount of money required for that purpose and to frame a financial program accordingly. If he is to formulate such a program he must concern himself with the community's ability to finance that program. In the words of Henry Bruere, the ex-chamberlain and efficiency expert of New York City: "The budget is the basis upon which administrative planning and control must be predicated."

The inconsistency of both the federal and state financial systems, whereby no attempt is made to correlate revenue and expenditure, caused little disturbance in the last century, when the taxable resources of the country seemed almost infinite. Within the last thirty years, however, owing to the extended activities of the state, the cost of government has risen out of all proportion to the increase in the assessed valuation of property. In the national government and in the state the maximum of indirect taxation has been nearly reached.<sup>28</sup> If the extension of governmental functions is to continue, as seems necessary, either new means of raising revenue must be devised or the revenue already collected must be more carefully administered. To prevent the hardships of the former alternative we must resort to a systematic budgetary procedure. President Taft first attempted to establish a budget system in the national government and induced congress to create an economy and efficiency commission. After making a survey of the organization of the government this body prepared a budget, which the president submitted to congress, but nothing came of the report. In 1913, several states

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<sup>28</sup> For figures see "Municipal Research," No. 62, 426-428. Also *Annals of the American Academy*, LXII, 85; LXIV, 80.

enacted legislation affecting budgetary methods<sup>29</sup> but not one of these statutes contained the *sine qua non* of an effective executive budget, the prohibition upon the legislature of increasing items in the appropriation bills.

The state of New York was confronting the same financial problems arising from the increased cost of government. In the period from 1860 to 1915 there had been an increase of approximately \$45,000,000 in the total expenditure of the state, whereas the population had only tripled.<sup>30</sup> Deficits, instead of surpluses, began to face the legislature. Either new means of raising money must be devised or the slipshod methods of state finance must be remedied. Governor Hughes called attention to the urgent necessity for reform and, in 1907, secured the passage of the Moreland Act, whereby either the governor, or persons appointed by him, might examine the management and affairs of any department, board, bureau, or commission of the state. This measure provided, by implication, a means of obtaining information as to the financial condition of the executive branch of the government. Throughout both his terms Governor Hughes was insistent upon the need of fiscal reform and was relentless in his attack upon "pork-barrel legislation," as his use of the item veto proves. In 1910 he secured the passage of a law providing that the comptroller should tabulate the estimates submitted to him in such a way as to contain: (1) an itemized statement of the actual expenditures made during the preceding year; (2) a statement of appropriations for the preceding year; and (3) a statement of the appropriation desired for the coming year.<sup>31</sup> This law was designed to establish a more business-like procedure in obtaining information for the legislature.

Upon the recommendation of a committee of inquiry, appointed in 1913, the legislature of New York created a board of

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<sup>29</sup> See *ante*, 00-00. Also *American Political Science Review*, IX, 254, 260, 273.

<sup>30</sup> "Municipal Research," No. 70, 26. In 1860 total state expenditures, \$2,622,866.20. In 1915 they were \$47,314,642.19. These figures represent an increase of from \$0.676 per capita to \$8.627 per capita.

<sup>31</sup> "Municipal Research," No. 70, 30-31.

estimate, of nine members; the governor, lieutenant-governor, president of the senate, chairman of the finance committee of the senate, the speaker, chairman of the ways and means committee; comptroller; attorney-general; and commissioner of efficiency and economy. This board was to receive estimates from the various departments and offices and, with these as a basis, prepare and submit the annual budget, but solely as a recommendation, since the legislature might deal with it as it pleased. By this law New York was put in the lead in budgetary reform<sup>32</sup> but, as experience proved, it provided an unworkable method of framing a budget. A board composed of legislative and executive members violated the principle that the function of proposing a budget should be separated from the function of disposing of it.<sup>33</sup> The board soon came to a deadlock and never succeeded in proposing a budget to the legislature.

The first work of the constitutional convention committee on finances, revenues, and expenditures was to investigate the existing methods of fiscal legislation in the state. It was found that there is no legal means of supervising the estimates submitted by the independent administration units. Consequently a comprehensive financial plan, formulated by a central officer, is impossible. The law requires that the estimates be submitted to the legislature through the comptroller, but he has no power of revision. No curb is placed upon the enthusiasm of each officer for his particular department or bureau. As a result the estimates are so high that the legislature disregards them, looking upon them as requests rather than estimates; and thus it formulates its own program of expenditures. No restriction is placed upon additions for private bills, so that, as one member of the convention expressed it, in the last days of the session "there is a general scramble up the back stairs to secure divers and sundry 'plums' from the members of the finance committee of the senate or the

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<sup>32</sup> *American Political Science Review*, VIII, 59. "Notes on Current Legislation," edited by Horace E. Flack.

<sup>33</sup> "Municipal Research," No. 62, 440.



ways and means committee of the assembly."<sup>34</sup> Rushed through the legislature at the close of the session, almost without exception under an emergency message,<sup>35</sup> the appropriation bill receives no adequate discussion or publicity. Finally, after adjournment, the bill goes to the governor who, even if he uses the item veto conscientiously, is hampered by lack of information in regard to the various items, and by his inability to reduce an item. According to this system the real relation of executive and legislature is reversed and, in the words of the chairman of the committee on finances: "Instead of the man who is to spend the money presenting to the body which is to grant the money his request for their final decision, the latter body, in substance, draw their check in blank and present it to the executive for him to determine how much of it he cares to use."<sup>36</sup>

In the convention the first bill dealing with the establishment of this system<sup>37</sup> provided for an executive budget, initiated by the governor, any item of which the legislature was forbidden to increase. Budgetary procedure and content were not worked out in detail. In suggesting a reform in the state system of finances the Bureau of Municipal Research, which had accomplished so much in establishing a sound budgetary system in the city of New York and elsewhere, was particularly active. On June 8 a bill, which the bureau had helped to prepare, was introduced. It provided that the governor should prepare and submit to the legislature administration appropriation bills, supported by estimates from the departments. The governor and heads of executive departments should have the privilege of the floor to defend these bills and to answer questions with respect to them. The bills might be reduced by the legislature but not increased.

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<sup>34</sup> "Municipal Research," No. 62, 256.

<sup>35</sup> In the past twenty-one years every appropriation bill except one, has been passed under an emergency message. "Municipal Research," No. 62, 434.

<sup>36</sup> *Ibid.*, No. 62, 436.

<sup>37</sup> No. 444. Introduced by Mr. Meigs, June 4, 1915. "Proposed Amendments of the Constitutional Convention of the State of New York," 1915, Vol. I.

After a preliminary vote in committee of the whole, to obtain the sense of the legislature and to permit public discussion, the budget must be submitted, accompanied by a message explaining the appropriation and revenue proposals. Discussion of these was then to follow in the committee of the whole until final drafts were adopted. The proposal specified that the budget must contain a statement of actual and estimated revenues and expenditures for a period not less than two years prior to the period to be financed; a balance sheet showing the financial condition of the state; a statement of the condition of the state funds; and revenue bills to meet the needs of the state. This bill made a careful distinction between the budget and an appropriation bill.

Before reporting an amendment to the convention the committee on state finances, revenues, and expenditures held conferences with municipal budget experts, such as Comptroller Pendergast of the city of New York; with ex-President Taft and the Hon. John J. Fitzgerald, chairman of the committee on appropriations of the house of representatives, both of whom had seen practical experience in the federal system; and with such authorities on government as President Goodnow and President Lowell. All agreed that an executive budget was essential to economical administration.<sup>38</sup>

Finally, on August 4, an amendment was introduced by the committee. The essential features of this amendment were: (1) the submission to the governor, on or before the fifteenth of November, of itemized estimates of the appropriations required by the heads of all departments, except the legislature and judiciary; (2) the revision of such estimates by the governor, after public hearing upon them, at which the governor might require the attendance of heads of departments and their subordinates; (3) the submission to the legislature by the governor of a budget based upon these estimates; (4) provisions for the appearance of the governor and department heads on the floor of the legislature

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<sup>38</sup> See "Municipal Research," No. 62.

to defend the budget and to answer inquiries relevant thereto; (5) restriction of legislative action upon an appropriation bill submitted by the governor to the cancellation or reduction of items; (6) the enactment of such bills immediately upon passage by both houses, without further action by the governor.<sup>39</sup>

The amendment specified that the budget should contain a plan of estimated expenditures and revenues and that it should be accompanied by itemized appropriation bills. A distinction was made between the administration appropriation bills and those for the legislature and judiciary. The latter should be included in the budget without revision by the governor, should be subject to increase by the legislature, and should require the governor's approval before becoming law. The consideration of further appropriations was prohibited until those proposed by the governor were acted upon. Such further appropriations must be made by separate bills, each for a single object, and over these the governor retained his veto power. The amendment provided, furthermore, that the fiscal year should end on June 30.

The chairman of the committee on finances, revenues and expenditures, Henry L. Stimson, brought in the majority report,<sup>40</sup> outlining the defects of the present system of financial legislation and explained the recommendation of the committee. That body had unanimously recommended that the estimate should first be revised and classified within the respective departments and further revised and coördinated by a central executive authority. This the committee regarded as "the hub of a real budget system,"<sup>41</sup> since it provided for executive responsibility. There was a division of opinion as to who should have this central authority, but a great majority decided upon the governor, since the departments, whose estimates comprise the greater portion of the budget, were the instruments through which he saw that the laws were enforced. The committee emphasized the necessity of submitting the budget before February 1, in order to allow time

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<sup>39</sup> *Ibid.*

<sup>40</sup> "Municipal Research," No. 62, 426-447.

<sup>41</sup> *Ibid.*, No. 62, 439.



for full discussion. It also considered the appearance of the governor and heads of departments before the legislature a necessary corollary of the budget system, since it allowed interrogation and insured publicity. The restriction of legislative action in regard to the budget was regarded as essential because the power to raise items would imperil the entire system and destroy the governor's incentive to prepare the budget with a sense of responsibility.

August 10 the amendment was debated in the committee of the whole. The opposition consisted of two main arguments: the danger of placing great power in the hands of one man; and the breaking down of the traditional separation of powers through the appearance of the governor in the legislature. A. E. Smith, former Tammany speaker of the assembly, made the most plausible argument against the plan, namely, that it failed to deal with the special and local appropriation bills, which constituted practically half of the annual appropriation,<sup>42</sup> and he suggested that a two-thirds vote be required to pass bills appropriating money for state purposes, when less than the whole state would be benefited.<sup>43</sup> A few other changes were proposed, some providing for the substitution of a board or other officer as the budget-making authority; others restoring the governor's veto after the budget passed the legislature. The chairman of the committee opposed them so conclusively that the amendment passed, substantially as it came from committee, by a vote of 137 to 4.<sup>44</sup>

These two amendments, the one grouping the administrative functions of the state, the other providing for an executive budget, would make it possible to transact public business along the lines of modern efficiency. Either would go far toward establishing effective leadership in administration. Together they would make the governor's constitutional position as chief execu-

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<sup>42</sup> "Record of the Constitutional Convention," 1915, II, 1859-1612; 1621, 1627-1632, 1646-1649, 1675.

<sup>43</sup> No. 342. "Proposed Amendments of the Constitutional Convention of the State of New York," 1915, Vol. I.

<sup>44</sup> "Record of the Constitutional Convention," 1915, II, 1632, 1650-1652, 1717-1723, III, 2321.

tive a reality. The governor would cease to be a superfluous, though honorary, figure in the organization of the state. He would become, instead, the axis upon which the administrative system would turn. So far as the executive department is concerned, the constitution would cease to be a document of limitations, and would become a charter of positive functions and duties. Professor Beard expressed the importance of these amendments in the following words: "It would be a work of superogation to discuss the merits of this constitution. Its provisions speak for themselves. The advocates of the short ballot and of the administrative reorganization have received a large measure of consolation—more in fact than they had reason to expect. The champions of scientific budget-making have achieved a substantial gain in the governor's initiation of the administrative budget. Whether it becomes a matter of form will depend on the character of the new governors. In breaking down the rigid separation of the governor and his cabinet from the legislature and admitting them to the floor of the house a system of interpellation may be established which will contribute powerfully to efficient and responsible government and will open up undreamt possibilities in politics."<sup>45</sup>

All but two of the states<sup>46</sup> make the governor constitutionally responsible for the faithful execution of the laws. The New York constitutional convention sought to give to the governor power commensurate with that responsibility. In doing so, however, it failed to provide for the responsibility of the governor to the electorate. Many reasons contributed to the defeat of the proposed constitution.<sup>47</sup> Important factors in its rejection were the opposition of the labor classes and progressives, for whom it was too conservative; of Tammany Hall, which disliked the home-rule provisions for New York City; and of certain groups,

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<sup>45</sup> Quoted in G. G. Benjamin, "The Attempted Revision of the Constitution of New York," *American Political Science Review*, X, 43.

<sup>46</sup> "Index Digest of State Constitutions," 680-681.

<sup>47</sup> See G. G. Benjamin, "The Attempted Revision of the State Constitution of New York," *American Political Science Review*, X, 35-42. Also "Legislative Notes and Reviews," *Ibid.*, X, 104-105.

such as the United Real Estate Owners, the Civil Service Forum, and the school teachers of New York City, who felt that their interests were endangered by certain provisions. But the dominant factor was the failure to provide a means of adequate control over the governor. The electorate had no way of calling him to account, until the end of his term, for the use of his increased powers. Neither the recall as it is found in this country nor as it exists in England<sup>48</sup> was included in the constitution. It could not be expected that a public which had jealously confined the executive power would suddenly enlarge the scope of that power without imposing a prompt and effective check upon the exercise of it. The loss of popular control was too heavy a price for efficiency and a responsible executive. Of this fact the ballot returns present overwhelming evidence, the vote being 400,423 for adoption and 910,462 against adoption.

### 3. *Present Status of the Governor in New York*

The defeat of the constitution of 1915 apparently leaves the governor of New York in the position which he occupied before the convention assembled. The constitution of 1894 is still operative, and the executive authority remains scattered among some 150 odd agencies. The long ballot will still be used at elections. The financial system of the state will continue to be conducted by irresponsible committees, subject to executive review at the close of the session. So far as the fundamental law of the state is concerned, the governor is still "but a temporary visitor," the party leader, a permanent, masterful force with whom rests the actual control of the state.

The movement for efficiency in state government rests on too sound a basis, however, for the convention's labors to have been in vain. The tax-payer demands that the increased cost of government be met by some other means than by higher taxes. When

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<sup>48</sup> It will be remembered that the bill proposed by the Bureau of Municipal Research provided that, if the governor should dissolve the legislature and appeal to the electorate in case he lost the confidence of the former, he must stand for re-election. *Ante*, 000.



the legislature levies a direct tax of \$20,000,000, as in 1915, the demand for reform becomes insistent. Governor Whitman felt its pressure and devoted his annual message of 1916 to the subject of expenditures. With this message he transmitted a tentative budget proposal, containing, in the form of a single appropriation bill, a consolidated estimate of the money needed by the departments for the next fiscal year. It was not accompanied by a revenue proposal, and thus lacked one of the essentials of an effective budget. The necessary bill was introduced by a member of the legislature and referred to a standing committee. This so-called "tentative budget proposal" was as far as the governor was willing to go in the matter. In reply to a letter from the Bureau of Municipal Research concerning his views on fiscal reform,<sup>49</sup> he disclaimed an attempt to establish the principle that the executive should originate appropriations and expressed opposition to an extension of the budget procedure beyond the limitations in the existing constitution. He favored an amendment granting the executive the right to reduce, as well as to veto, an item in an appropriation bill, but further change he would regard a disturbance of the balance between the executive and the legislature.

The legislature then took up the question of establishing a budget system. Senator Bennett introduced a resolution proposing that the governor be invited to address a joint meeting of the senate and assembly upon his tentative budget proposal and upon the means of raising revenue to meet it. Although the resolution was lost in committee, it was significant as revealing a break in the legislative opinion concerning the traditional doctrine of the separation of powers.<sup>50</sup>

Two bills were then introduced: one, the Mills' Bill, providing for an executive budget; the other, the Sage Bill,<sup>51</sup> for a legislative budget. The former, a minority measure, was referred to the committee on finance and pigeon-holed. The latter passed

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<sup>49</sup> "Municipal Research," No. 69, 68, 79-85; No. 70, 79.

<sup>50</sup> *Ibid.*, No. 69, 53-54, 75.

<sup>51</sup> "Senate Introductory," Nos. 261 and 817.

both houses and was signed by the governor on April 5.<sup>52</sup> The Mills' Bill had one serious defect, the retention of the standing committee system, but in other respects it met the requirements of an effective executive budget. The Sage Bill ignored the governor entirely in framing the budget, except in providing that he, as well as the comptroller and the staffs of the finance committees of the two houses, shall submit estimates to the legislature. The governor may accompany his estimates with suggestions for revision and with a statement of probable revenues but he is not required to assume responsibility for them. So far as the mandatory provisions go, his functions in budget-making will be purely ministerial.

The Bureau of Municipal Research tried to persuade Governor Whitman to veto the bill, on the ground that it would strengthen "invisible government" by irresponsible committees by legalizing the standing committee system.<sup>53</sup> The governor's explanation on signing the bill was as follows: "I realize that this bill does not provide an ideal procedure for the preparation of the state budget. It does, however, give a statutory form to one of the fundamental principles suggested in my message, namely, that the appropriations of the state should be in one appropriation act. It also provides, in part at least, for two other features which I have urged in my public addresses upon the state finance plan, namely: that the appropriation act should be a matter of early and public consideration by the legislature, and not an act passed in the confusion and turmoil of the closing days of the session, accelerated as it always has been, by emergency messages of the executive. . . . Because also the measure provides for a single appropriation act and for its early and public consideration in the legislative session and puts an end to the passage of ill-considered and hastily made appropriations at the end of the legislative session, I believe its approval is in the public interest."<sup>54</sup>

<sup>52</sup> "Municipal Research," No. 70, 37.

<sup>53</sup> *Ibid.*, 43.

<sup>54</sup> The Albany *Evening Journal*, April 6, 1916. Quoted in "Municipal Records," No. 70, 101.

The attempt to establish government by a responsible executive in New York seems, for the present at least, to have been thwarted. The governor's position as political leader in the state remains unchanged by the defeat of the proposed constitution. As the functions of the state become more complex, his leadership will probably become stronger. What change time will make in his administrative functions is only a matter of conjecture. Reasons have been suggested for believing that the movement toward strong executive government has a firm basis and will survive even the overwhelming defeat it received at the polls in 1915. For the present, however, it must be admitted, in the words of a recent writer, that: "the governor of New York is chief executive only in the imagination of those who are not familiar with the tangled mass of civic relations which has its centre at Albany."<sup>55</sup> Surrounded by 150 distinct agencies, each performing its functions independent of central executive supervision, the governor has little more control over the state administration than the king of England over the activities of his cabinet officers in the administration of their several departments. Until a new generation of voters can be made to realize the inefficiency arising from the reversal of functions in our state government, the chief executive must be content with the large legislative powers which he possesses and must leave the execution of the laws to that loosely constructed organism, the executive department.

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<sup>55</sup> E. Dawson, "The Invisible Government and Administrative Efficiency," *Annals of the American Academy*, LXIV, 11.



## BIBLIOGRAPHY

### DOCUMENTARY SOURCES

- Thorpe, F. N.—The Federal and State Constitutions, Colonial Charters and Other Organic Laws of the States, Territories and Colonies. Washington, 1909.
- Poore, Ben. Perley.—The Federal and State Constitutions, Colonial Charters and Other Organic Laws of the United States. Washington, 1878.
- New York Colonial Documents, Vol. III, Governor Sloughter's Commission.
- Messages from the Governors (C. Z. Lincoln). Albany.
- Public Papers of Governor Hughes, 1907, 1908, 1909, 1910. Albany.
- Third Annual Report of the Secretary of State, 1913.
- Record (Unrevised) of the Constitutional Convention of the State of New York, 1915, 4 vols. Albany, 1915.
- Proposed Amendments of the Constitutional Convention of the State of New York, 1915, 2 vols. Albany, 1915.

### OTHER PRIMARY SOURCES

- Government of the State of New York. A Description of its Organization and Functions. Department of Efficiency and Economy and the Bureau of Municipal Research. 1915.
- Index Digest of State Constitutions. Prepared for the New York State Constitutional Convention Commission, 1915, by the Legislative Drafting Research Fund of Columbia University. 1915.
- New York Legislative Index, 1907, 1908, 1909, 1910. Albany.
- Patterson, Isaac F.—The Constitutions of Ohio and Allied Documents. Cleveland, 1912.
- The Federalist (Lodge edition). New York and London, 1908.

### SECONDARY SOURCES

- Alexander, DeAlva S.—A Political History of the State of New York. New York, 1906.
- Bancroft, Frederic.—The Life of William H. Seward.
- Beard, Charles A.—American Government and Politics. New York, 1915.
- Readings in American Government and Politics. New York, 1913.
- Blue, Leonard A.—Relation of the Governor to the Organization of Executive Power in the States. 1902.
- Bryce, James.—The American Commonwealth, 2 vols. New York, 1888 and 1912.
- Channing, Edward.—History of the United States, 3 vols. New York, 1912.
- Dealey, James Q.—The Growth of American State Constitutions. Boston, 1915.

- Fairlie, John A.—The State Governor. 1912. (Reprinted from the Michigan Law Review, Vol. X, No. 5, 6). Local Government in Counties, Towns and Villages. New York, 1906.
- Finley and Sanderson.—The American Executive and Executive Methods. New York, 1908.
- Goodnow, Frank J.—Comparative Administrative Law. 1893.
- Greene, Evarts B.—The Provincial Governor. New York, 1898.
- Randall, E. O., and Ryan, D. J.—History of Ohio. New York, 1912.
- Wilson, Woodrow.—The State. 1895.
- Works of William H. Seward (George E. Baker edition). 1853.

## PERIODICALS

*American Political Science Review—*

- Benjamin, G. G.—The Attempted Revision of the State Constitution of New York, Vol. 10, 1916.
- Mathews, John M.—The New Rôle of Governor, Vol. 6, 1912.
- Updyke, F. A.—The New Hampshire Constitutional Convention, Vol. 7, 1913.
- . State Governmental Organization, Vol. 4, 1910.
- News and Notes, edited by W. F. Dodd, Vol. 7, 1913.
- Notes on Current Legislation, edited by Horace E. Flack, Vol. 8, 1914.
- Legislative Notes, Vols. 5, 9, 10.

*Annals of the American Academy of Social and Political Science—*

- Blue, L. A.—Tendencies in State Administration, Vol. 18, 1901.
- Bradford—Reform of Our State Governments, Vol. 4, 1894.
- Bruere, Henry.—The Budget as an Administrative Program, Vol. 62.
- Dawson, Edgar.—The Invisible Government and Administrative Efficiency, Vol. 64, 1916.
- George, Ralph E.—Increased Efficiency as a Result of Increased Governmental Functions, Vol. 64, 1916.

*Atlantic Monthly—*

- Alger, George W.—Executive Aggression, Vol. 102, 1908.

*Columbia University Studies in History, Economics and Public Law—*

- Agger, Eugene E.—The Budget in the American Commonwealth, Vol. 25, 1907.
- Chaddock, Robert E.—Ohio before 1850, Vol. 31.
- Davis, William Watson.—The Civil War and Reconstruction in Florida, Vol. 43, 1913.
- McBain, Howard L.—DeWitt Clinton and the Origin of the Spoils System in New York, Vol. 28, 1907.
- Stebbins, Homer A.—Political History of the State of New York, Vol. 55, 1913.

*Harper's Monthly*—

DeWitt Clinton as a Politician, Vol. L.

*Johns Hopkins University Studies in Historical and Political Science*—

Bassett, J. S.—Constitutional Beginnings of North Carolina, 12th Series, 1894.

Davis, Horace.—American Constitutions, 3rd Series, 1885.

Harry, J. W.—Maryland Constitution of 1851, 20th Series, 1902.

Jameson, J. Franklin.—Introduction to the Constitutional and Political History of the Individual States, 4th Series, 1886.

Magruder, F. A.—Recent Administration in Virginia, 30th Series, 1912.

Whitney, Edson L.—The Government of the Colony of South Carolina, 13th Series, 1895.

*Municipal Research*—

No. 61, 62, 63, 69, 70.

*Nation*—

Bradford, G.—Powers of the Executive, Vol. 86, March 19, 1908.

Bradford, G.—President or Governor as Lobbyist, Vol. 86, May 7, 1908.

Editorial—A Real Governmental Change, Vol. 86, March 5, 1908.

Editorial—Executive Usurpation, Vol. 84, June 20, 1907.

*National Municipal Review*—

Arndt, W. T.—The Defeated New York Constitution, Vol. 5, 1916.

Beard, Charles A.—The New York Constitutionanl Convention, Vol. 4, 1915.

*North American Review*—

Mathews, John M.—The New Stateism, Vol. 193.

*Outlook*—

Mason, Gregory.—Rebuilding a Constitution, Vol. 110.

*Political Science Quarterly*—

Beard, Charles A.—The Ballot's Burden, Vol. 24, 1909.

Dougherty, J. Hampden.—Constitutions of the State of New York, Vol. 3, 1888.

Gitterman, J. M.—The Council of Appointment in New York, Vol. 7, 1892.

White, F. H.—The Growth and Future of State Boards and Commissions, Vol. 18, 1903.

Whitridge, Frederick W.—Rotation in Office, Vol. 4, 1889.

*Yale Review*—

Phillips, John B.—Recent State Constitution-Making, Vol. 12, 1904.

*American Year Book*, 1911, 1913, 1915.*New York Times*, August 13, 1915; September 4, 1915.



# APPENDIXES

## APPENDIX A

TABLE SHOWING THE EXERCISE OF THE VETO  
BEFORE 1875

GOVERNOR	Year	Number of V etoes	Bills Passed Over Veto	Vetoed After Adjournment of Legislature
Yates .....	1823	1	0	
	1824	3	3	
Clinton .....	1825	0	0	
	1826	1	0	
	1827	2	0	
	1828	0	0	
Van Buren.....	1829	1	0	
Throop .....	1830	0	0	
	1831	0	0	
	1832	0	0	
Marcy .....	1833	1	0	
	1834	0	0	
	1835	2	1	
	1836	2	0	
	1837	0	0	
	1838	0	0	
Seward .....	1839	1	0	
	1840	1	0	
	1841	0	0	
	1842	3	0	
Bouck .....	1843	0	0	
	1844	0	0	
Wright .....	1845	1	0	
	1846	0	0	
Young .....	1847	0	0	
	1848	0	0	

## APPENDIX A—Continued

GOVERNOR	Year	Number of Ordinary Vetoes	Bills Passed Over Veto	Vetoed After Adjournment of Legislature
Fish .....	1849	0	0	
	1850	10	0	
Hunt .....	1851	3	0	
	1852	6	0	
Seymour .....	1853	6	0	
	1854	7	1	
Clark .....	1855	3	0	
	1856	0	0	
King .....	1857	3	2	
	1858	1	0	
Morgan .....	1859	14	0	
	1860	15	6	
	1861	5	1	
	1862	1	0	
Seymour .....	1863	3	0	1
	1864	0	0	
Fenton .....	1865	12	0	8
	1866	7	0	
	1867	3	0	1
	1868	4	0	
Hoffman .....	1869	24	0	35
	1870	31	0	132
	1871	33	0	144
	1872	29	2	68
Dix .....	1873	10	0	91
	1874	6	0	91

APPENDIX B.  
TABLE SHOWING EXERCISE OF THE VETO AFTER 1875

GOVERNOR	Year	Number of Ordinary Vetoes	Bills Passed Over Veto	Thirty-Day Bills	Omnibus Veto	Number of Separate Items Vetoed		Amount of Reduction in Appropriations
						During Session	During 30-Day Period	
Tilden .....	1875	16	0	17	20	0	42	\$317,730.94
	1876	1	0	14	22	4	22	388,133.75
Robinson .....	1877	45	0	4	66	55	0	\$1,684,950.29
	1878	25	0	10	91	32	1	98,364.14
	1879	51	0	8	127	36	0	324,375.12
Cornell .....	1880	13	0	4	95	0	195	\$1,023,367.51
	1881	81	0	0	32	38	0	152,372.94
	1882	27	0	9	120	0	65	353,937.84
Cleveland .....	1883	37	0	4	87	1	109	\$254,294.44
	1884	27	0	0	133	0	40	127,025.00
Hill .....	1885	19	0	8	56	7	30	\$207,293.27
	1886	16	0	2	64	23	0	135,347.24
	1887	64	0	4	97	15	1	122,580.00
	1888	25	0	5	110	11	0	78,272.00
	1889	51	0	59	114	0	84	582,892.24
	1890	27	0	4	111	1	0	5,000.00
	1891	54	0	15	0	17	0	188,437.90



## APPENDIX B—Continued

Flower .....	1892	38	0	43	52	38	2	\$566,725.00
	1893	10	0	121	0	0	28	541,884.00
	1894	55	0	125	9	3	2	11,827.00
Morton .....	1895	4	0	4	99	0	4	\$ 31,300.00
	1896	0	0	57	143	0	5	38,566.13
Black .....	1897	1	0	2	359	0	34	\$155,655.92
	1898	0	0	1	154	0	3	13,700.00
Roosevelt .....	1899	4	0	26	92	0	1	\$ 5,000.00
	1900	1	0	53	111	0	0	0,000.00
Odell .....	1901	44	0	5	163	0	45	\$242,419.40
	1902	22	0	29	164	0	43	321,762.50
	1903	11	0	1	174	0	131	1,757,674.62
	1904	0	0	44	172	0	68	1,488,454.99
Higgins .....	1905	5	0	13	153	0	65	\$388,385.94
	1906	7	0	15	134	0	19	83,913.52
Hughes .....	1907	41	0	126	123	0	95	\$1,084,461.45
	1908	7	0	85	55	0	22	504,041.65
	1909	7	0	89	155	0	111	1,674,936.06
	1910	6	0	104	118	3	239	3,041,286.11

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## TRADE OF THE DELAWARE DISTRICT BEFORE THE REVOLUTION

*By* MARY ALICE HANNA

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NORTHAMPTON, MASS.

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## PREFACE

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During the past decade there have appeared several books, monographs, and articles which treat colonial history from the imperial and economic points of view.<sup>1</sup> In the light of these studies, there has developed a new conception of the British empire in the seventeenth and eighteenth centuries, in which the colonies have come to be considered primarily as parts of the empire rather than as the beginnings of the United States. The theory of the continuity of colonial policy has been placed beyond dispute. The acts of trade and navigation have been traced to their sources and have been given a new meaning and a new importance. Many of the acts were passed to prevent imperial disintegration and did not at the time impose any hardship upon the colonies, for instance, the wool act of 1699 and the iron act of 1750. Even the measures which seemed to be most prejudicial to colonial interests were often the product of imperial necessity. The molasses act, for example, was intended primarily as a blow at France, and in the controversy over tea the increasing power of the East India Company was a more significant factor than the question of colonial taxation.

An analysis of legislation from the economic and imperial points of view and its effect upon the trade of the empire suggests an interesting field for investigation. Especially is this true of the period immediately preceding the American War of

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<sup>1</sup> Beer, G. L., *The origins of the British Colonial System, 1578-1660* (1908).

———, *The Old Colonial System, Part I, Vols. I and II.* 1912.

———, *British Colonial Policy, 1754-1765.* (1907).

Root, W. T., *The Relations of Pennsylvania with the British Government, 1696-1765.* (1912).

Giesecke, A. A., *American Commercial Legislation before 1789.* (1910).

Andrews, C. M., *Colonial Commerce—The American Historical Review*, October, 1914.

Morriss, M. S., *Maryland Trade, 1689-1715.* (1914).

Lord, E. L., *Industrial Experiments in the British Colonies of North America.* (1896).

Independence. At that time England, after a long struggle with France for dominion in America, began to take an inventory of her colonial possessions and to reorganize the empire. The trade and navigation acts, which were originally directed against the Dutch, were revised to meet the needs of the time. In addition, other acts were passed in order to put the empire on a more self-sufficing basis. The effect which this reorganization produced is best seen by investigating the economic conditions and the trade of a part of the empire, and, as the American colonies presented the most formidable objections, a study of their trade ought to indicate to what extent the legislation of the period served its purpose. It is with the hope that some light may be thrown upon a few of the commercial and economic problems of the period that the writer ventures to present the results of her investigation of the British trade legislation from 1763, the close of the Seven Years' War, to 1773, when the controversy between Great Britain and the American colonies lost its economic aspect and became more exclusively political in character.

This study was undertaken at the suggestion of Dr. William Roy Smith, of Bryn Mawr College, and to him the writer is deeply indebted for assistance at every stage of her progress. It is a pleasure to mention others who have made valuable suggestions and criticisms, among whom are Dr. Charles Hull, of Cornell University; Dr. Frances Davenport, of the Department of Historical Research of the Carnegie Institute; Mr. Hubert Hall and Dr. Lilian Knowles, of the London School of Economics; Dr. A. F. Pollard, of University College, London, and especially Mr. George Louis Beer, who permitted the use of some of his extracts from the Colonial Papers. Thanks are due also to the officials of the Public Record Office, of the British Museum, of the House of Lords, of Devonshire House, of the Bodleian Library, of the Library of All Soul's College, Oxford, and of the Historical Society of Pennsylvania, who were unfailing in their courtesy and attention.

# Trade of the Delaware District Before the Revolution

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## CHAPTER I

### ECONOMIC CONDITIONS IN THE DELAWARE DISTRICT BEFORE 1763

In treating the problems of the continental colonies it has been the custom, for the most part, to consider them as a whole, or to place special emphasis upon individual colonies. While this method may be used in political, social, or constitutional investigations, it is most inadequate when the subject of trade is under consideration. The thirteen colonies did not constitute an economic unit, and it is frequently difficult to consider any one colony by itself, because the area of trade and the political area did not always coincide. The export and import district of any given port depended largely upon the means of transportation, which, in the eighteenth century, usually meant river transportation. There were only a few roads stretching out from the main centers of population, and these were not capable of being used for heavy traffic. It was observed by an anonymous English writer that "North American productions are weighty and of great bulk, water carriage is extremely necessary to convey them to the seaside for exportation and reconvey to the inland country the manufactures of Great Britain—a convenience without which such settlement can have little or no communication with the mother country, or be of much utility to it."<sup>1</sup> Thus, by using the means of transportation as a basis, the British-American mainland during the eighteenth century can be divided into trading districts. An economic study should concern itself with these districts rather than with individual colonies.

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<sup>1</sup> Chatham Papers, Bun. 97, May, 1766.

Friends' Collection of Mss. IV.

Letters written from Philadelphia by Friends traveling in America in 1757 describe the difficulties of travel over the few poor roads.



(1) *Trade Boundaries*

The trade area of Philadelphia, one of the most flourishing ports on the American continent, included part of Pennsylvania, the three lower counties on the Delaware, and a large section of West Jersey. These formed, what, for convenience, might be called the Delaware district. In order to give the exact boundaries of this district it would be necessary to ascertain to what market each farmer sent his produce and where he bought his supplies. The lack of material at present makes this impossible. Approximate boundaries only can be defined. Within the province of Pennsylvania the trade was usually confined to the counties of Philadelphia, Bucks, Berks, and Northampton, and the eastern and northern parts of Chester and Lancaster. This area was continually being extended by the opening of new roads, but serviceable roads were not numerous during the colonial period. For example, the principal roads in 1776 connecting the upper Schuylkill and the Susquehannah were a road from Hughes' Saw-Mill, about thirty miles above Reading, to Fort Augusta, and the road running from Reading to a point just south of Fort Augusta. In the lower Susquehannah valley there were many more. The Paxton road began near the house of John Harris, Paxton Township, Lancaster County, and ran into the Highroad Kennison in Whiteland, Chester County.<sup>2</sup> The King's Highway and the New Castle and Conestoga Whiskey roads crossed the Nottingham and New Garden road near Elk Creek and reached Philadelphia by way of Kennett Square and Chester. There was also one from Harris Ferry (Harrisburg) to Lancaster and another to Reading.<sup>3</sup> By means of these highways,

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<sup>2</sup> Smith, William Roy, Sectionalism in Pennsylvania during the Revolution [in *The Political Science Quarterly*, Vol. XXIV, No. 2; p. 219.] Statutes at Large of Pennsylvania, Vol. VIII, pp. 56-58. Pennsylvania Archives, 1st Series, Vol. IV, pp. 362-363. Colonial Records, Vol. IX, pp. 651, 182-185.

<sup>3</sup> Colonial Records, Vol. III, pp. 419-420. Map of Nicholas Scull, (1759), and William Scull, (1770). [Pennsylvania Archives, 3rd Series, App. I-IX.] H. Frank Eshleman's Map of the Earliest Highways leading from the Delaware and Schuylkill Rivers to the Susquehannah River and its Branches.

traders, who had taken agricultural products to Philadelphia, or to Baltimore by boat or raft, could bring back manufactured articles from Philadelphia.

It is very improbable that the product of the land west of the Susquehannah, or within a radius of a few miles east of the lower part of it, ever reached the eastern part of Pennsylvania. It was easier to take the produce of this section, put it on rafts and send it to Baltimore or Annapolis. There were three main reasons why the trade of Pennsylvania west of the district defined in the previous paragraph went to Baltimore. The first was lack of roads. Baltimore had grown up simultaneously with the rapid increase of the Scotch-Irish population in the western part of Pennsylvania. It was a great surprise to the eastern merchants, who were accustomed to an undisputed monopoly of the commerce of Pennsylvania and surrounding colonies, when they first realized that this very lucrative western trade was going to a new port outside the province. All efforts made before the War of Independence to counteract this tendency were unsuccessful.<sup>4</sup> Merchants felt the loss of business keenly, but it was difficult to persuade the assembly to appropriate the funds for building the necessary roads.<sup>5</sup> The second reason why the trade went to Maryland may be found in the habits and occupations of the people, which made the Susquehannah the only necessary route. The settlers in that part of the province were agricultural. They produced in the field or the house all the necessities of life. They had little need for the manufactured articles which were imported into the eastern part of the colony. In the third place, political disaffection made them prefer to trade with Maryland. They took great delight in thwarting all the plans of the Quaker assembly to bring the western trade to Philadelphia.

It is more difficult to draw the line in New Jersey beyond which the inhabitants ceased to trade with Philadelphia. There

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<sup>4</sup> Pennsylvania Archives, Vol. IV, p. 362; IX, pp. 65, 657, 666, 703, 731. Lincoln, C. H., *The Revolutionary Movement in Pennsylvania, 1760-1776*. Chap. IV, *passim*.

<sup>5</sup> *Ibid.*, p. 64.

was no port in that province which had a very extensive trade.<sup>6</sup> Consequently, New Jersey depended upon the ports of New York and Philadelphia. The trade of East Jersey went to New York, but it was more convenient to send the products of West Jersey to Philadelphia by the Delaware river and its tributaries, or by road.

The assumption that Philadelphia had a trade area which included West Jersey and the lower counties is further upheld by the divisions made for the vice-admiralty courts in America.<sup>7</sup> The staff of officers stationed in Philadelphia had supervision over the ports of Pennsylvania, the lower counties, and West Jersey. Furthermore, the local commercial legislation proves conclusively that there existed a trade unity among all of the ports on the Delaware.<sup>8</sup>

Philadelphia was the only port within this district whose harbors were of sufficient size to allow ships of more than eighty or ninety tons to enter.<sup>9</sup> A very good description was given of it in a report resulting from an investigation of the ports, districts and towns of America in 1770. "It has been taken for granted that the limits of this port begin where a line divides Pennsylvania from New Castle County and extends along the river Delaware on the Pennsylvania side as far as the river is navigable above Philadelphia—makes about twenty-five miles below and thirty miles above that city. Within this district are several creeks, but only navigable for small vessels, the principal are Chester, Darby and Sahykill" [Schuylkill?]<sup>10</sup>

<sup>6</sup> Giesecke, *American Commercial Legislation before 1789*, pp. 103-104. New York had objected to Perth Amboy being made an important port. Osgood, H. L., *The American Colonies in the Seventeenth Century*, Vol. II, pp. 187-190. A discussion of Elizabethtown as a probable port may be found here.

<sup>7</sup> Admiralty Secretary Out Letters, 2:1058. Colonial Office, 391:10. W. T. Root, *The Relations of Pennsylvania with Great Britain*, p. 94.

<sup>8</sup> *Pennsylvania Statutes at Large*, Vol. II, 105, 384; III, 112, 151, 268, 416. Acts regarding Tonnage Duties and Export and Import duties exempt Delaware and West Jersey. Giesecke, *American Commercial Legislation Before 1789*, p. 86.

<sup>9</sup> *Pennsylvania Historical Society Memoirs*, Vol. II, p. 216. Penn gave careful instructions concerning the location of the chief port in his commonwealth in view of future trade development.

<sup>10</sup> Additional Manuscripts, 15484, taken from Chalmers' Library. Ports, districts, and towns of America.



The other ports of the district—Lewes, New Castle, Wilmington and Burlington—played little part in any but the coastwise and contraband trade. Lewes extended thirty miles and included many small creeks.<sup>11</sup> Although admirably situated to serve as a base of operation for the prevention of illicit trade, it was really used as a convenient place to lie in wait for vessels, in order to smuggle cargoes into Philadelphia by taking them to Reedy Island, or some other place and unloading them. Conditions were much the same in the ports of Burlington, New Castle and Wilmington as at Lewes. There was only one officer at Burlington, and it would have been impossible for him to supervise the numerous creeks and river entries in that vicinity.<sup>12</sup>

It would be difficult to outline the local trade policy of this district with any degree of accuracy. There was such a small part of the trade which was not in some way influenced by the British laws, that the tendencies towards a definite provincial policy can only be estimated roughly. It is fairly clear, however, that free trade had gained as little headway here as in England. When the exemptions made in favour of West Jersey and Delaware are eliminated, and the district is considered as a whole, there is very little which points to a free trade policy in the present use of the word.<sup>13</sup> Petitions of merchants against taxing trade, discussions in Council, and pamphlets written on the subject, are the only indication of such a tendency.<sup>14</sup>

The primary reason for taxing trade was to secure revenue. The annual charge of maintaining and supporting the establishment of the province of Pennsylvania was estimated in 1767 at £13,400.<sup>15</sup> This expense was met by various means. The as-

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<sup>11</sup> Additional Manuscripts, 15484, taken from Chalmers' Library. Ports, districts, and towns of America.

<sup>12</sup> *Ibid.*

<sup>13</sup> See Giesecke, American Commercial Legislation before 1789, *passim*. Pennsylvania Statutes, Vol. II, pp. 105; III, 151, 263, 363, 465. Pennsylvania Archives, 4th Series, Vol. II, p. 961.

<sup>14</sup> Colonial Records, Vol. VIII, pp. 30, 31. Pennsylvania Archives, 4th Series, Vol. II, p. 903.

<sup>15</sup> Pennsylvania Archives, 4th Series, Vol. III, p. 341, Papers of John Penn.

sembly annually voted £1,200.<sup>16</sup> Fees such as licenses for public houses, marriages, pedlars and ships, and fines for offences of persons convicted were of uncertain but considerable value.<sup>17</sup> The sale of new lands brought in an increasing sum as the population grew.<sup>18</sup> A small amount was received from quit rents, but they were always in arrears, and so little care was taken in collecting them that not much was realized from this source.<sup>19</sup> In addition to the sum raised by these methods, it was thought necessary to tax exports and imports which were not subject to English trade laws.

The first duties exacted were *ad valorem*.<sup>20</sup> This duty was usually 5%. It was soon supplanted by specific duties on certain articles, such as tobacco, sugar, cocoa, molasses, dye woods and tea; other goods, except salt, iron and munitions of war retained the *ad valorem* duty of 5%.

The early tariff legislation levying specific import duties on sugar, spirits, and wine, gave encouragement to direct trade from place of growth, to home shipping and to provincial production of spirits.<sup>21</sup> These bills, as well as those regarding tonnage during the first three decades, show clearly that the element of protection was very strong.<sup>22</sup> In fact the eagerness to protect home shipping and industries was so great that the provincial tariff legislation interfered at times with the British.<sup>23</sup> Further indications of a protective policy may be found in bounties offered for home production of certain products, and in the system of drawbacks on re-exportation.<sup>24</sup>

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<sup>16</sup> Colonial Office, 5:112.

<sup>17</sup> *Ibid.*

<sup>18</sup> Pennsylvania Archives. 4th Series, Vol. III, 341-2.

<sup>19</sup> C. O., 5:1233.

<sup>20</sup> Pennsylvania Archives. 2nd Series, Vol. V, 603. Colonial Records, Vol. III, p. 63.

<sup>21</sup> Pennsylvania Statutes, Vol. II, 105; III, 112, 151, 268, 416. James Madison, Letters and other writings (New York, 1899), Vol. I, 226.

<sup>22</sup> Pennsylvania Statutes, Vol. II, 385, 543; III, 166, 238.

<sup>23</sup> Giesecke, p. 30.

<sup>24</sup> Pennsylvania Statutes, Vol. III, 115, 154. Votes and Proceedings of the House of Representatives, Vol. III, 6, 7, 128, 129, 314, 324. Pennsylvania Archives, 4th Series, Vol. I, 674, Papers of George Thomas.

In two ways this district was more or less isolated from the mother country. It was principally controlled by the government of Pennsylvania. Since this government was proprietary in form, the deputy governor was appointed by the proprietor and was directly responsible to him. According to a statute of 1696, the appointment had to be approved by the crown and the deputy governor had to take an oath that he would perform his duties in regard to the trade laws. If the laws were not obeyed he was liable to a fine of £1,000, or removal from office.<sup>25</sup> Robert Quarry, the first judge of the vice-admiralty in Philadelphia, made complaint against Deputy Governor Markham, who had not been approved, and finally forced William Penn in 1699 to remove him.<sup>26</sup> But that was about as far as any supervision of the deputy governors extended. Almost all the other colonial governors were required to send in detailed reports of the state of manufactures and trade in their respective provinces. These were in answer to circular letters sent out by the board of trade. By mistake, one was sent to John Penn when he was deputy governor, and the correspondence which followed between Secretary Shelburne, Thomas Penn and John Penn shows clearly that the Penns considered their province as private property. Thus non-interference had allowed them to develop along independent lines.<sup>27</sup>

A second cause for isolation may be found in the undesirable economic character of the district considered from the mercantilist point of view. In the eighteenth century the ideal colony was one which produced raw material to be manufactured in the mother country, supplied food-stuffs which were not grown at home, or brought in bullion. In no way was this standard attained in the Delaware district. The products were virtually the same as those of England, so that instead of having an exchangeable commodity for British manufactures, the district was really

<sup>25</sup> Root, *The Relations of Pennsylvania with the British Government, 1696-1765*, p. 49.

<sup>26</sup> C. O., 5:1288, pp. 98 *et seq.*

<sup>27</sup> Penn Letter Book, Vol. IX, pp. 109, 241. Penn Manuscript, Vol. X, p. 192. C. O., 5:112, Letter from John Penn to Thomas Penn.



a competitor of Great Britain. This state of affairs hindered considerably any direct trade, such as existed between England and the southern colonies, or between England and the West Indies.

## (2) *Products and Industries*

The Delaware district was primarily agricultural. The chief exports were provisions of various kinds and lumber. Of the provisions, the most important were wheat, flour and bread.<sup>28</sup> From the time of the earliest settlements it was realized that wheat could be produced more easily than any other product, and flour milling and bread baking became thriving industries. But the desire to produce something which could be exchanged directly with the mother-country led to experiments with other products, particularly tobacco, which yielded a large revenue to the government, and did not compete with the agricultural industries of England. For these reasons the tobacco colonies held a favoured position in the English colonial system.<sup>29</sup> In 1701, William Penn, who was anxious to encourage tobacco and rice as staples and to promote the cod fisheries and fur trade, wrote to the board of trade that, if such industries were not developed, his colonies would not be at all useful to the mother country.<sup>30</sup>

For a time it seemed that tobacco would become the staple. The quality was very inferior to that produced in Virginia and Maryland, but it sold for a higher price, because there existed before the Act of Union a flourishing illegal trade between traders of this district and merchants in England who smuggled tobacco into Scotland.<sup>31</sup> "The great price which tobacco yields here," wrote Quarry to the board of trade in 1700, "encourages the country to plant more than ever; it hath been sold here this year

<sup>28</sup> C. O., 5:1280, Aug. 10, 1765. Letter from H. S. Conway to Governor Penn, in which he explains the competition between England and the Delaware district.

<sup>29</sup> C. O., 5:1289, pp. 2034. Little attention was paid to the fact that a great deal of the tobacco was re-exported to foreign countries, and that upon re-exportation all of the duties were drawn back. The main idea was to get the revenue regardless of subsequent drawbacks.

<sup>30</sup> C. O., 5:1288, pp. 227-234. C. O., 5:1289, pp. 17-31.

<sup>31</sup> Beer, G. L., Mss. notes based on Colonial Papers.

for above thirty shillings per hogshead, which is more than the best Virginia and Maryland hath yielded, though the tobacco of this country is not half so good; the reason is from the advantage of illegal trade here."<sup>32</sup>

In the same letter Quarry said that Pennsylvania had determined to plant tobacco in the three upper as well as in the three lower counties.<sup>33</sup> Before 1700, the amount produced was never more than 300 or 400 hogsheads, but in 1700 and 1701, it had increased to 3000 or 4000 hogsheads<sup>34</sup> and the production probably reached its height in 1705-1706, when John Evans, the deputy-governor, wrote that tobacco was of great importance to the people in general but especially to those of the lower counties. From this time there was a decrease in the production as is indicated by the custom house papers of Philadelphia, 1704-1713, which registered the amount of the penny a pound duty on exportation of tobacco from one colony to another.<sup>35</sup> The trade in tobacco was gradually superseded by trade in wheat, which was the more natural product of the province. Sir William Keith wrote, in 1722, that it was more profitable to grow wheat than tobacco, owing to the trade which had grown up with the other ports on the American continent, the West Indies and the southern ports of Europe.<sup>36</sup>

As early as 1700, Robert Quarry said that the people by their

<sup>32</sup> C. O., 5:1288, pp. 18-19.

<sup>33</sup> C. O., 5:1288, pp. 227-234.

<sup>34</sup> C. O., 5:1288, pp. 26, 471.

<sup>35</sup> C. O., 5:1265, p. 114.

C. O., 5:390, June 1, 1724, Custom House, London. In 1722, there were 137,721 pounds of tobacco exported from Pennsylvania to England. The amount was small compared with that sent from Virginia—28,313,336 pounds—and compared with the other exports from Pennsylvania.

The Custom House Papers of Philadelphia 1704-1713. Duty of penny a pound on exportation of tobacco from Philadelphia. [This duty was

1704-5	£825	18s.	1d.	levied on tobacco exported from colony to
1705-6	973	13	10	colony by parliament in the act 25 Chas.
1706-7	398	11	6	II C 7 to "prevent exportation of goods
1707-8	615	0	0	from colony to colony and so to foreign
1708-9	118	14	4	countries in Europe evading the English
1709-10	214	6	2	Customs." See Morris—Colonial Trade
1710-11	95	11	4	of Maryland 1689-1715, p. 50 Col. S. P. A.
1711-12	209	4	4	W. I. 2306.]

<sup>36</sup> C. O., 5:1273, R 42. C. O., 5:1277, pp. 227-234.

industry had greatly improved agriculture and had made bread and flour a drug on the market in the West Indies.<sup>37</sup> Colonel Thomas, in 1740, pointed out that the production of wheat was of great importance in that the proceeds of the large quantities which were exported from Philadelphia centered in Great Britain.<sup>38</sup> It was in time discovered, however, that the exportation of flour and bread was more profitable than that of wheat. In the latter part of the colonial period the trade statistics show that considerable quantities of wheat were imported into Philadelphia from the other colonies, although very little was exported. At the same time there was a large exportation of bread and flour.<sup>39</sup>

Grist mills had existed in the district even before William Penn came to America. According to Bishop the first one was built on the Darby road, in 1643, by Colonel John Printz, the governor of New Sweden; one was built in New Castle in 1658, and another at Trenton in 1680. Germantown possessed the first mill in Philadelphia County, but soon after the founding of Pennsylvania many mills were in operation throughout the district. The places where they were situated became markets for the grain of the surrounding country, and after the local demand was supplied the surplus was sent to Philadelphia for exportation. The flour and bread industry gradually developed until in time it exceeded all others. The following table will give some idea of its increasing importance:<sup>40</sup>

Year	Wheat (Bu.)	Flour (Bbls.)	Bread (Casks)
1729	74,809	35,438	9,730
1730	38,643	38,570	9,622
1731	53,320	56,639	12,436
1752		125,960	
1765	365,522	148,887	34,736
1772	51,699	252,744	38,320
1773	92,012	284,872	50,504
1774	182,391	265,967	48,183

The years 1731-1738 mark the period when the trade in flour

<sup>37</sup> C. O., 5:1233.

<sup>38</sup> *Ibid.*

<sup>39</sup> Colonial Customs (Record Office) 16:1.

<sup>40</sup> Bishop, J. L., *American Manufactures*, 139-144.



and bread became noticeably more important. They were years of unusual harvests both in Europe and America. This worked a great hardship upon the wheat exporting provinces. It brought about a stagnation of currency in Pennsylvania, and threatened her prosperity. Governor Gordon, in his address to the assembly in 1731, pointed out that "all possible measures should be taken to recommend them to a greater degree abroad that they may find a readier sale."<sup>41</sup> He remarked further, "I have understood that, when this colony was young and had but little experience, it exceeded all its neighbors in the fineness of its flour and bread and goodness of its beer, which are the only produce of our grain; the first two have greatly contributed to their improvement as well as the reputation of the province. And it will still become the legislature to continue their care and concern in a point of such consequence to the whole."<sup>42</sup>

As the above indicates care was taken that the flour and bread which was exported should attain a high standard. It was enacted in 1700, "that all biscuits and flour made for transportation shall be well made and honestly and truly packed for the encouragement of our trade and credit: that those who purchase the same may not be cheated or defrauded. And all such persons that make flour or biscuits for transportation shall set their several brand marks on each cask before shipped, on the penalty of five shillings for every cask by them sold and unmarked as aforesaid. And if any bread or flour shall pass out of this province or territories falsely packed and the same happen to be returned, in all such cases the persons offending shall pay to the party wronged double damages for the same."<sup>43</sup>

From time to time this act was renewed and additions were made to it. Each addition was more stringent, and was usually passed on the advice of the governor when he noticed a tendency

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<sup>41</sup> Pennsylvania Archives, 4th Series, Vol. I, 474.

<sup>42</sup> *Ibid.*

<sup>43</sup> Pennsylvania Statutes at Large, Vol. II, 96.

for the quality to deteriorate.<sup>44</sup> For example, Governor Gordon in addressing the assembly, on November 2, 1738, said: "The better your commodities exported from hence are, the better price they will fetch at markets abroad. Care too ought to be taken that the exporter is not deceived. . . . This consideration applied to your flour trade will induce you to take some further care of it; for though the laws you already have will be of great service if well executed, some further regulations seem necessary, particularly to prevent the mixture of different sorts of grain, which every man sees are now reaped in every field."<sup>45</sup>

Similar care was taken in the preparation of other provisions which were exported from Philadelphia.<sup>46</sup> There was a flourishing export trade in cattle, and the packing of beef and pork to be used in the West Indies was very important. Hence we find numerous laws passed, demanding that these provisions be made merchantable and inflicting severe penalties on those who evaded them. Laws of this nature were very easily evaded, and were probably less effective than the force of competition.

Not a little profit was realized in the fur trade. The beaver trade was important in the Schuylkill valley before William Penn came, and skins of all kinds in fairly large quantities were exported from Philadelphia during the entire colonial period. In the opening years of the eighteenth century they formed with tobacco the chief articles of export. From Christmas, 1699, to Christmas 1700 the following were sent: 516 pounds of buck in hair, 326 pounds of cat, 1222 pounds of fox, 121 beaver skins, 4921 pounds of raccoon, together with some elk, bear and mink.<sup>47</sup> The table of exports from Philadelphia show that there were:

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<sup>44</sup> These renewals and additions were made on: May 22, 1722, *Pennsylvania Statutes at Large*, Vol. III, 321; August 18, 1727, *Ibid.*, Vol. IV, 73; January 19, 1733, *Ibid.*, Vol. IV, 248; March 9, 1745, *Ibid.*, Vol. V, 38; April 21, 1759, *Ibid.*, Vol. V, 400; April 22, 1761, *Ibid.*, Vol. VI, 112; February 21, 1767, *Ibid.*, Vol. VII, 57.

<sup>45</sup> *Votes and Proceedings of the House of Representatives of Pennsylvania*, Vol. III, 324.

<sup>46</sup> *Pennsylvania Statutes at Large*, Vol. II, 96; III, 22, 275; IV, 75; V, 97, 400.

<sup>47</sup> Bean, T. W., *History of Montgomery County*, p. 120. C. O., 5:1291, pp. 226-227.

49	chests of skins in 1759
140	chests of skins in 1760
256	chests of skins in 1761
228½	chests of skins in 1762
132	chests of skins in 1763 <sup>48</sup>

Before 1759, the Indian trade in Pennsylvania, where the traders were very numerous and enterprising,<sup>49</sup> was practically unrestricted. Any one could engage in it upon obtaining a license from the governor.<sup>50</sup> After that time regulations were made because of the increasing difficulties with the Indians. This trade was considered of such importance that in 1766 the establishment of a colony in the Illinois country was strongly urged.<sup>51</sup> Philadelphia was to be one of the chief places for importing British manufactures for the numerous Indian tribes which lived near the lakes and the different branches of the Mississippi.

Timber as a product for exportation, was almost as important as grain and meat. There was an abundance in Pennsylvania, the lower counties, and West Jersey. The existence of several saw mills in the seventeenth century shows that the industry had developed from the first.<sup>52</sup> They became numerous along the many rivers and creeks, which were a great advantage, in that they furnished water power to run the mills, as well as the means of transporting logs to the mills and lumber to Philadelphia.

Hickory and oak were made into barrels, hogsheads, and staves; and walnut was considered valuable material for furni-

<sup>48</sup> Custom House Papers in the Library of the Historical Society of Pennsylvania.

<sup>49</sup> Hanna, C. A., *The Trail in the Wilderness*, Vol. I, p. 6, taken from the writings of George Croghan.

<sup>50</sup> *Ibid.*, Vol. II, p. 325. A full discussion of the fur trade may be found in this book, in which are reprinted extracts from the Journals of George Croghan who was called "The king of the traders."

Giesecke, p. 53. Skins and furs were the only commodities upon which export duties were imposed in Pennsylvania.

Laws of Pennsylvania, 1682-1700, p. 138.

Pennsylvania Archives, 2nd Series, Vol. II, pp. 619-627, for names of Indian Traders in Pennsylvania, 1743-1776.

<sup>51</sup> C. O., 5:67, Reasons for Establishing a British Colony at the Illinois with some proposals thereon.

<sup>52</sup> Bishop, *American Manufactures*, Vol. I, pp. 109-112.



ture.<sup>53</sup> Unfortunately this lumber, with the exception of that grown in West Jersey, could not be used as a naval store for Great Britain. The surveyor-general in his report on naval supplies ignored this district because the quality of its timber was so very inferior to that grown in the southern provinces and New England.<sup>54</sup> Consequently, little benefit was received from the bounty which Great Britain offered on masts imported from the colonies.

There seems to be no reason why hemp, which was another valuable naval store, should not have been grown in abundance. In Great Britain, where there was a great demand for it, it could be produced only at a high cost. Joshua Gee wrote to the board of trade, in 1717, that the bounty on hemp should be continued for twenty years.<sup>55</sup> His advice was taken, but the increase in the crop in no way justified its continuation.<sup>56</sup> Again, in 1731, Governor Gordon recommended the raising of hemp, because of the lack of products suitable for exportation to Great Britain.<sup>57</sup> Besides the encouragement of the mother country in the way of bounties, the provincial government of Pennsylvania offered premiums on good and merchantable hemp. An act was passed in 1722, which offered a bounty of one penny per pound on hemp fit for exportation.<sup>58</sup> This act was continued from time to time until 1731, when it was repealed.<sup>59</sup> The law was much abused, since it was very difficult to detect and punish those who brought in bad hemp for exportation. Furthermore, it was not considered worth while to continue such encouragement when so little was produced. The high price of labor was probably responsible for the failure of this project.<sup>60</sup>

One of the most important industries was that of ship build-

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<sup>53</sup> Colonial Office, 5:1233.

<sup>54</sup> Admiralty Secretary, I, 4127.

<sup>55</sup> C. O., 5:1265, p. 114.

<sup>56</sup> C. O., 5:1266, p. 42.

<sup>57</sup> *Ibid.*

<sup>58</sup> Pennsylvania Statutes at Large, Vol. III, p. 314.

<sup>59</sup> *Ibid.*, IV, pp. 231-2.

<sup>60</sup> C. O., 5:1268, S. 44.

ing.<sup>61</sup> Salem and Burlington were the first to build vessels, but they were soon surpassed by Philadelphia which was a recognized center of this industry in 1700. Many vessels built in Salem, Burlington, Newcastle and Wilmington were brought to Philadelphia for registration. The coastwise and West Indian trade offered great encouragement to ship building. Almost all of this trade employed home shipping. Provincial ships were also used in the wine trade. Out of six vessels importing Madeira wine, in 1719-20, two were built and registered in Philadelphia.<sup>62</sup> It was considered very important to use vessels built in the district, because they were exempt from the tonnage duties which were imposed on other colonial ships.<sup>63</sup>

Various forces were at work which retarded the development of this industry in all of the continental colonies. British merchants and traders, who were interested in ship building at home, looked with increasing alarm upon the development of it in the colonies. As long as the colonists supplied themselves only with coasting vessels, those used in the fisheries, or larger ones which were made to convey timber, they were not considered as dangerous competitors. But when they began to build ships which rivalled those made in Great Britain, the merchants complained and urged Parliament through petitions to discourage colonial ship-building.<sup>64</sup> Although there was no direct legislation on this subject it is quite evident that the industry did not fulfill its early promise. While Richard Penn said in 1774 that ships of three hundred or four hundred tons were built very expeditiously in Pennsylvania,<sup>65</sup> the development of ship building had not kept

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<sup>61</sup> *Ibid.*, C. O., 5:1266, R. 7.

<sup>62</sup> C. O., 5:1266, R. 18.

<sup>63</sup> Pennsylvania Statutes at Large, Vol. II, p. 384; III, 165; V. 353; VIII, 42.

<sup>64</sup> Chalmers, *Revolt of the Colonies*, Vol. I, pp. 387, 388.

<sup>65</sup> House of Lords Manuscript. Examination of Richard Penn before the House of Lords.

pace with the advancement of trade and the increase of population.<sup>66</sup>

In New England, ship building was closely connected with the fishing industry. This was partially responsible for her superiority in the former. In the Delaware district, fisheries never became important. It is true that the first boats and vessels built on the Delaware were used in the fishing trade;<sup>67</sup> and William Penn expressed a hope, in 1701, that the whale fisheries would be developed, so that returns could be made to England in whale oil and whale bone.<sup>68</sup> Furthermore, Cape May and Burlington counties were supposed to have a flourishing fishing trade. Governor Cox mentions the products of the former county as consisting of whale bone and whale oil. Nevertheless, compared with other districts, the importance of fisheries was negligible. It was said that Pennsylvania was allowed to import salt free of duty from southern Europe for a fishery that never existed.<sup>69</sup> This was scarcely true because there were many acts passed by the provincial assembly of Pennsylvania for the development of fisheries in the Delaware, Susquehannah, and Lehigh

<sup>66</sup> The following table indicates the relative increase of population, shipbuilding and trade with England.

Approximate Population	Years	No. Ships Built in Pa.	Ton'ge	Exports to England			Exports from England		
40,000 <sup>1</sup> ....	1722	10	458	£4,499	0s.	0d. <sup>8</sup>	£22,505	0s.	0d. <sup>5</sup>
	1723	13	507	8,332	0	0	15,993	19	47
	1724	19	959 <sup>3</sup>	4,057	0	0 <sup>8</sup>	30,324	0	0
250,000 <sup>2</sup> ....	1769	22	1,469	26,111	3	7	199,909	17	11
	1770	16	2,354	28,104	5	11	134,881	0	0
	1771	21	1,307 <sup>4</sup>	31,615	19	9 <sup>6</sup>	728,744	0	0 <sup>6</sup>

<sup>1</sup> C. O., 5:1266, R. 7.

<sup>2</sup> Rossiter, W., *A Century of Population*, p. 6.

<sup>3</sup> Votes and Proceedings of the House of Representatives of Pennsylvania, Vol. III, p. 9.

<sup>4</sup> Macpherson, D., *Annals of Commerce*, Vol. III, p. 570.

<sup>5</sup> B. T. Commercial Series, Vol. 414.

<sup>6</sup> H. of L. Mss., Table of Exports and Imports to England from North American Colonies.

<sup>7</sup> Pitkins, T., *Commerce*, p. 15.

<sup>8</sup> De Bow, J. D. B., *The Industrial Review*, Vol. I, p. 313.

<sup>67</sup> Bishop, *American Manufacturers*, Vol. I, p. 69.

<sup>68</sup> C. O., 5:1289, pp. 203-4.

<sup>69</sup> Chalmers' *Revolt of the Colonies*, Vol. I, p. 452.



ivers.<sup>70</sup> The river fisheries no doubt contributed to the export trade of Philadelphia, but the amount was probably much less than that imported from New England and Nova Scotia for re-exportation.

It was recognized in the beginning of the century that iron ore existed in great abundance in Pennsylvania. Joshua Gee wrote to the board of trade, in 1717, that it would be wise to offer a bounty of £3 on bar iron and £1 10s. on cast iron.<sup>71</sup> He made a further suggestion that "it will be necessary to lay a duty on iron and hemp consumed in that country, that England may not be deprived of the trade they derive from those commodities manufactured and sent to the plantations."<sup>72</sup> In the same year Sir William Keith wrote to the board of trade that he had found in Pennsylvania a great deal of iron ore, which was worked up to such an extent that the importation of iron from Great Britain was discouraged. He sent several samples of this ore to the merchants in London with a description of the places where it was found.<sup>73</sup> Keith no doubt overestimated the possibilities of manufacturing iron in the province. Several years later Gordon wrote to the board of trade that iron furnaces had been set up, but that they had been used only two years.<sup>74</sup> The high price of labor made it impossible for them to compete successfully with the Swedish trade in manufactured iron.<sup>75</sup>

The board of trade had been persuaded at an early date that a bounty on iron would be beneficial. The difficulty lay in obtaining the necessary parliamentary legislation. Finally an act was passed, in 1750, repealing the duties on iron bars, which were imported into London, and on pig iron, which was imported into the out-ports.<sup>76</sup> At the same time, it was forbidden to erect mills

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<sup>70</sup> Pennsylvania Statutes at Large, Vol. VIII, p. 467.

<sup>71</sup> C. O., 5:1265, S. 114.

<sup>72</sup> C. O., 5:1266, S. 114, 140.

<sup>73</sup> C. O., 5:1268, S. 34.

<sup>74</sup> *Ibid.*, S. 44.

<sup>75</sup> Chatham Papers, Bun. 97. Reasons for Allowing the Importation of Bar Iron from America.

<sup>76</sup> 23 Geo. II, c. 29.

in the colonies for the making of steel. There were in Pennsylvania and Delaware the following plants:

1. A mill or engine for slitting and rolling iron in Thornbury township, Chester County.

2. A pleating forge to work with a tilt-hammer in Byberry township, Philadelphia County. This had not been used for nine months.

3. Two furnaces for making steel in Pennsylvania, both of which were in Philadelphia.<sup>77</sup>

From this it would seem that the manufacturing of iron and steel was not done on a large scale. It has been suggested that it was "merely an accessory to the ship building industry, which demanded that certain parts should be made of iron and fitted into the ship. On account of this, these parts could not be imported from Europe because an exact fit was required."<sup>78</sup>

The act of 1750 does not seem to have given the desired stimulus. Of the ten forges existing in 1756 all but two or three had been erected before the act was passed.<sup>79</sup> The output of these did not show the increase that might have been expected from such a measure. From the account of William Denny, the deputy governor, in 1756, it can be seen that the output of eight forges was as follows during the years 1749-1756:<sup>80</sup>

	Total Tons	1st Year Tons	Average Tons
1. Pine Forge .....	747	103	124
2. Poot Forge .....1749-1754	313	73	78
3. Glasgow .....1750-1756	595	108	119
4. Pottsgrove .....1755-1756	64		
5. Coventry .....1749-1756	339	45	48
6. Windsor .....1749-1756	495	90	82½
7. Helenshed .....1749-1756	480	59	69
8. Minor Forge .....1751-1756	342	45	57

The wool act<sup>81</sup> of 1699 brought as little hardship upon the

<sup>77</sup> C. O., 5:1273.

<sup>78</sup> Beer, G. L., Mss. notes based on Colonial Office Papers.

<sup>79</sup> Swank, T. W., *Iron in All Ages*, p. 113. Mantauney Creek Furnace was erected in 1716; Coventry in 1720; and Cornwall and Warwick in 1740. It is also stated that in 1740 many furnaces and other iron works existed in New Jersey.

<sup>80</sup> C. O., 5:1275, W. 25.

<sup>81</sup> Statutes of the Realm, 1699. 10-11 William III, c. 10.

colonies as the iron act. It was primarily intended to affect Ireland, but the colonies were included, through the fear that in the future the colonists might take to manufacturing their own wool. Conditions at that time did not favour the production of wool and there was no intercolonial trade in this commodity. Moreover, the wording of the statute gives no indication that it was desired to discourage the production of wool or the spinning or weaving of it in the various households. It merely prohibited the exportation of the raw or manufactured material from one colony to another. William Penn criticised the act on the grounds that it was geographically impossible for it to be executed.<sup>82</sup> It often happened that a man living near the boundary of one colony, let us say Pennsylvania, found it to his advantage to sell the wool or yarn produced on his farm to his neighbors in Maryland in exchange for tobacco and rice. As this possibility must have occurred to those who framed the act, it is hardly possible that they considered such instances of any importance.

There was little danger of this act being disobeyed in Pennsylvania, the lower counties and West Jersey. Sheep were raised and domestic manufacturing was carried on, but there were no serious attempts to establish the business on a commercial basis. This was due partly to the high cost of labor and partly to the fact that it was fashionable to wear English clothing.

The distillation of sugar and grain was a very profitable industry. In exchange for the lumber and provisions sent to the West Indies, large quantities of sugar, molasses and rum were brought back to Philadelphia. Although the rum that was made in the West Indies, particularly in Jamaica, was superior to all, there was considerable competition in its production in the continental colonies. Distilleries were multiplied as fast as saw mills and grist mills, and formed with them the basis of the export trade of Philadelphia.

There were two classes of manufactories within this district before 1765. Grist mills, saw mills, distilleries, shipbuilding and iron works belonged to the first. The British government never in-

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<sup>82</sup> C. O., 5:1289, p. 25.



terfered with the first three of these, and its influence upon the others is doubtful. For the most part they were left free to develop as much as the demand for their products allowed. The second class included all household manufactures. They were numerous and developed quite naturally in connection with farm life. There are conflicting statements concerning the extent to which this system prevailed. Colonel William Hart said that the inhabitants wore the same clothing and had the same utensils as were used in Great Britain.<sup>83</sup> Sir William Keith claimed that the necessary clothing came from Great Britain and was paid for by means of the export trade in wheat to the West Indies.<sup>84</sup> These reports were probably the result of observations made in Philadelphia or other towns where British goods were in great demand. Governor Gordon states clearly that the farmers made clothing of the coarser sort for themselves and that the Irish and German settlers sold linen of their own making to their neighbors.<sup>85</sup> It is quite evident, however, that the only reason why manufactures of the second class existed may be found in the colonists' inability to pay for British goods.

### (3) *Trade Routes*

As the people of the Delaware district became more prosperous their demand for European goods steadily increased, but as their own products were unsuitable for direct exchange with Great Britain, they were compelled to develop circuitous routes of trade. By this means the desired manufactures were purchased and large profits were realized on a carrying trade, which made Philadelphia of considerable importance as an entrepôt on the American continent. The great mass of colonial regulations made Philadelphia of considerable importance as an entrepôt on trading with certain parts of the world. In spite of these restrictions, however, many profitable channels of trade were discovered. In order to understand fully the vast net work of the commerce of

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<sup>83</sup> C. O., 5:1266, R. 7.

<sup>84</sup> *Ibid.*, R. 42.

<sup>85</sup> *Ibid.*, S. 15.

this district in the middle of the eighteenth century every route should be traced, and if possible vessels taking very circuitous routes should be followed closely. Space will not permit such a detailed account, but an examination of the tables of exports and imports will indicate partially the extent of the Delaware commerce, and its dependence upon non-British trade for its economic justification as a unit of the empire.<sup>86</sup>

The chief routes from Philadelphia were those going to the other colonial ports, the West Indies, the Wine Islands, Southern Europe and the British Isles. There was scarcely a port in the continental colonies, with which this district did not have commercial relations. The numerous harbors, rivers, creeks and bays along the coast offered many opportunities for trade. In the amount of tonnage employed and as a means for gaining remittances to Great Britain these routes were very significant. From the southern ports various commodities were imported, both for home consumption and for re-exportation, such as rice, tobacco, tar, pitch, turpentine, Indian corn, wheat, rye and deer skins. For these the following were sent in exchange: bread and flour made within the district; sugar imported from the West Indies; rum and molasses of West Indian, New England, or home production; and goods of various sorts imported from the continent of Europe. Although the southern ports enjoyed a profitable direct trade with Great Britain by which they were able to import European manufactures, nevertheless they imported a considerable amount of European goods through Philadelphia.<sup>87</sup>

The trade with Maryland and New York was not at all large. Maryland imported agricultural products from Western Pennsylvania by way of the Susquehannah. Her exports were very sim-

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<sup>86</sup> See Appendix II.

<sup>87</sup> C. O., 5:1499, Shipping Returns of Virginia.  
Treasury Board Papers, 461, Shipping Returns of Virginia.  
C. O., 5:511, Shipping Returns of North Carolina.  
C. O., 5:1228, Shipping Returns of South Carolina.  
C. O., 5:710, Shipping Returns of Georgia.  
C. O., 5:573, Shipping Returns of Florida.

ilar to those of the colonies south of her, which, as we have seen, sent their produce to Philadelphia. The intense jealousy existing between Pennsylvania and Maryland caused their relations to be almost negligible. With New York there was a close competition in the exportation of agricultural products and lumber.<sup>88</sup> A few exchanges were made in bread, flour and European goods, but the shipping returns show that very few vessels were cleared annually from Philadelphia to New York.

The fisheries and peltries were the main features of the import trade from New England<sup>89</sup> and Nova Scotia.<sup>90</sup> The preparation of fish for exportation was a thriving industry in both places, and consequently salt was in great demand. Since salt could be imported into Philadelphia free of duty, it was profitable to exchange salt for prepared fish.<sup>91</sup> Some flour, bread and locally manufactured articles, such as rum, cabinet ware and soap, were also sent to New England and Nova Scotia.

The West Indian trade was the most important of all, being in fact the basis of the commercial life of this district.<sup>92</sup> The inhabitants of these islands were almost exclusively engaged in producing sugar, rum, and molasses, together with a little coffee, cocoa and cotton.<sup>93</sup> They demanded, in return for these products, provisions of all kinds and lumber in large quantities to be used in making barrels, hogsheads, and casks. Naturally England wished to supply the need, since she had provisions for exportation and desired above all to import raw materials; but the continental colonies were geographically in a better position to meet the demand. Hence, in spite of the close competition with the

<sup>88</sup> C. O., 5:1228, Shipping Returns of New York.

<sup>89</sup> C. O., 5:851, Shipping Returns of New England.

<sup>90</sup> C. O., 5:221, Shipping Returns of Nova Scotia.

<sup>91</sup> C. O., 5:851, Shipping Returns of New England.

100,000 hhds. of salt were sent to Boston from Philadelphia in one quarter.

<sup>92</sup> Admiralty, 592.

C. O., 142:19, Shipping Returns of the West Indies.

C. O., 76:4, Shipping Returns of the West Indies.

C. O., 33:17, Shipping Returns of the West Indies.

Pipe Office, Declared Accounts—Customs, Roll 1265.

<sup>93</sup> Customs, 16:1.



mother-country, the Delaware district, whose lumber was particularly adapted to West Indian uses, controlled a great part of the trade.

Of the British West Indies, Jamaica furnished the best market for bread, flour, meat, fish, timber and soap.<sup>94</sup> Joshua Gee, in discussing the importance of Jamaica to the Pennsylvania trade, said, "The Spanish West Indies are reached by way of this island where corn and provisions are sent. . . . If this trade be properly nursed up, it may draw the Spanish coast very much to depend on us for a supply of flower, biskets, etc." The imports from Jamaica were not heavy. Many vessels were sent back to Philadelphia in ballast, while some went in ballast to other islands, chiefly for sugar, rum and molasses.

The Leeward Islands supplemented the trade with Jamaica.<sup>95</sup> These islands, especially Dominica, were rich in cocoa and coffee, besides producing sugar and some cotton. Great Britain in her direct trade with them could supply the necessary amount of food-stuffs, and, consequently, it was difficult for the Delaware traders to make a favorable exchange of products. A demand for lumber, however, gave them a foothold and, in time, they began to compete with the mother-country in supplying food stuffs, but, even when the trade was unfavorable, products of these islands were considered of such importance that it was worth while for the traders to sell their goods in Jamaica and then to sail in ballast to the Leeward Islands for a return cargo. Attempts to trade with Barbadoes, Granada, the Grenadines and Tobago met with greater competition.<sup>96</sup> These had always been Great Britain's prize sugar colonies, with whom she carried on a flourishing trade. The shipping returns indicate that few products were imported directly from the American mainland, although many undoubtedly came through the neighboring islands.

Extensive and profitable as the West Indian trade was, it was not sufficient to dispose of all of the surplus agricultural products

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<sup>94</sup> C. O., 142:19, Shipping Returns of Jamaica.

<sup>95</sup> C. O., 76:4, Shipping Returns of the Leeward Islands.

<sup>96</sup> C. O., 33:17, Shipping Returns of the Windward Islands.

and lumber. A demand for American grain, during the years of scarcity in Europe had opened a trade with the southern ports of that continent. The wine trade with Madeira and the Azores had been carried on from an early date, and since these islands were *en route* to southern Europe this channel became very important. Grain was the basis of the trade, but there was also a market for other products. It was reported, in 1720, that Pennsylvania traded with Lisbon, Cadiz and Alicante, sending pipe staves, planks, timber and also fish which had been purchased from New England.<sup>97</sup> Some vessels returned to the Isle of May and loaded salt, others went to the Madeiras for wine, which they sold in the West Indies. The usual course was to take goods which could be sold in Great Britain, or cash for products, and return by way of England to purchase manufactures. In the early part of the eighteenth century this trade was only casual, since it depended upon the scarcity of grain in Europe. Deputy Governor Gordon said, in 1731, that, in consequence of the recent poor harvests in Europe, Pennsylvania had shipped 40,000 bushels of grain to Europe—Ireland, Lisbon and the Straits—, “but when there are plentiful crops we ship little or none.”<sup>98</sup> In another connection he said that the demand for flour and bread was uncertain, as it depended on the crops in other countries. Later the demand became more regular. The deficit created by the long wars in Europe, which America was called upon to meet, and the years of poor harvests after 1757 put the trade on a firmer foundation.<sup>99</sup>

The wine trade was significant in itself, apart from its connection with the trade to southern Europe. Provisions and lumber were sent to the Wine Islands and exchanged for wines, and bills of remittances. It was estimated, in 1731, that from 15,000

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<sup>97</sup> C. O., 5:1266, R. 7.

<sup>98</sup> C. O., 5:1268, S. 34.

<sup>99</sup> Adm. Papers, II, 3837.

A letter from the British Consul, April 10, 1767, in which it is stated that a vessel from Philadelphia was at Leghorn. This is one of many indications that the traders of the Delaware district traded with southern Europe.

to 20,000 bushels of wheat, some Indian corn, and some bread were annually exported to the Madeiras.<sup>100</sup> Wine from these islands had been for a long time a favorite drink in England, and, as its importation into the colonies grew, it enjoyed the same reputation there. Furthermore, since Madeira wine was allowed to be imported directly from the place of growth, there were heavy imports, much of which was re-exported. In some instances, the traders took the wine directly to the West Indies, where it found a ready market.<sup>101</sup>

Thus, by means of the trade with other American ports, the British and foreign West Indies, the southern European countries and the wine islands, the traders of the Delaware district managed to dispose of the surplus agricultural products and to supply themselves with articles which could be sold in Great Britain, or with cash to pay for European manufactures. In the early days of the eighteenth century, when tobacco was grown in the district, there had been a profitable direct trade with Great Britain, but even at that time part of the cargoes sent from Philadelphia consisted of goods which had been imported previously from other places. A report of the inspector-general, Charles Davenant, dated March 21, 1707, illustrates this point. It gives an account of goods imported into England from Pennsylvania, and the duties thereon, from Christmas, 1698, to Christmas, 1705.<sup>102</sup> The total amount of duties paid was £36,598, or an average of £5,227 annually. Of this sum tobacco contributed about 90%, or £32,419. In addition to the tobacco, 226 tons of logwood were imported, paying £1,074 duty. The other articles imported were

<sup>100</sup> C. O., 5:1266, S. 34.

<sup>101</sup> C. O., 5:1265, S. 176. Imports into Pennsylvania of Madeira and western island wine from Christmas, 1715 to Christmas, 1718:

	Pipes	Hhds.	Casks
Madeira wine .....	655	9	18
Fayel wine .....	83		2
Passado wine .....	3		
Vinegar .....	3		

C. O., 5:1266, R. 18. During the year from Christmas, 1719, to Christmas, 1720, there were imported in six vessels, 270 pipes, 7 hhds, and 7 quarter casks.

<sup>102</sup> C. O., 5:1263, Q. 99.



drugs, ginger, rice, sugar, indigo and molasses in small quantities, and a great number of skins of all kinds. Of these commodities only tobacco and skins were native products, the others being the result of trade with other ports, especially those of the West Indies. As tobacco ceased to be cultivated and bread and flour became the staple products, the exports to Great Britain consisted more and more of commodities which had been previously imported.<sup>103</sup> A comparison of a list of goods exported to London in 1765 with an account of goods and merchandise imported into England from Pennsylvania, Christmas, 1699, to Christmas, 1700, shows to what extent re-exportation had increased.<sup>104</sup>

Even with the great increase of re-exported goods to Great Britain before 1763, the excess of imports over exports became greater each year. In 1700, the exports almost equaled the imports, but, in 1763, they were only 13% of the imports.<sup>105</sup> This indicates that the amount of remittances paid down was very large or that the Delaware merchants were continually the debtors of the British. The latter supposition is substantiated by a report which was made in 1791, giving an account of the debts, together with the interest thereon, due to the British merchants before 1776. According to this statement Pennsylvania owed £229,-452 4s. 4d.<sup>106</sup>

It is impossible to estimate with any degree of accuracy the value of the legal trade of this district in all of its channels. The early accounts are all more or less vague. Colonel William Hart in 1720 said that the annual produce of Pennsylvania, including the home trade, was £100,000, and that the annual consumption of British manufactures was valued between £50,000 and £60,000. More accurate estimates can be made for the later years because greater demands were made upon the customs officers to send in carefully prepared shipping returns. The exports to England

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<sup>103</sup> C. O., 5:1268, S. 44.

<sup>104</sup> Appendices I, II.

<sup>105</sup> Appendix IV.

<sup>106</sup> Chatham Papers, Bundle 343, The sum Total of the Debts due by the respective American States to the Merchants and Traders of Great Britain previous to the year 1776 with interest on the same.

alone in 1763 amounted to £38,228 10s. 2d. and the imports from England to £284,152 16s. 1d.<sup>107</sup>

#### (4) *Illicit Trade Before 1763*

On account of the enormous amount of smuggling during the eighteenth century, it would be incorrect to rely upon the shipping returns of the customs for an accurate account of trade. This practice existed throughout the empire, but there was no place where it prevailed with more impunity than at times in the Delaware district. The physical features of the river and bay gave many opportunities for evading the navigation laws.<sup>108</sup> In the investigation over the boundary line between Pennsylvania and Maryland this fact was pointed out. A pilot who had served for thirty years said that there were on the east side of the bay "harbours fit for trade and shipping, viz., Morris's River and Cohansic Creek. And on the east side of Delaware River, Salem Creek, Timber Creek and Ankokus Creek—and that there is on the west side of the said bay Prince Book Bay and on the west side of the said river St. George's Creek, Christian Creek, Derby Creek, and Schuylkill River."<sup>109</sup>

Besides the difficulties attending the long coast line made by numerous rivers and creeks, there were a few islands, between the provinces of Pennsylvania and New Jersey, which were not included in the bounds of the grants of either province. Petitions to the governors of these provinces indicate that they often served as places of refuge for unprincipled men, committing offences in the neighbouring provinces, as well as suitable places for contraband goods.<sup>110</sup>

From the beginning of the history of the colony traders evaded the navigation laws. In 1699 the board of trade, acting on the advice of Robert Quarry, brought serious charges of smuggling

<sup>107</sup> See Appendix, IV.

<sup>108</sup> Addit. Mss. 15484, Ports, Districts and Towns of America, 1770. In the discussion of the trade boundaries the lack of supervision was noted.

<sup>109</sup> Pennsylvania Archives, 2nd Series, Vol. XVI, p. 747.

<sup>110</sup> Domestic Entry Book, 140.

Col. S. P. Domestic Home Office Papers.

against Penn's colony.<sup>111</sup> They demanded the repeal of the law passed in 1699 which made all breaches of trade laws cognizable in their common law courts of record, that Colonel William Markham be removed from the office of lieutenant governor, that closer obedience be given to the admiralty courts and greater encouragement offered to the officer of the customs, and that piracy be suppressed.<sup>112</sup> Penn decided to go out to the colony and to take charge of the government himself. His presence at first gave great satisfaction. He procured the enactment of a law forbidding trade to Madagascar or Natal, the chief centers of piratical trade,<sup>113</sup> and another law, obliging the king's officers to weigh all tobacco casks before shipment, in order to do away with frauds in the penny a pound duty.<sup>114</sup>

The trouble was settled for a short time only. Quarry accused Penn of encroaching upon the admiralty jurisdiction, and said that illegal trade continued.<sup>115</sup> For this reason, the board of trade recommended in March, 1701, that the proprietary provinces should be placed on the same level of dependency as the other colonies,<sup>116</sup> without prejudice to the property rights, and in the same year a bill to that effect was introduced and considered in the house of lords.<sup>117</sup> Penn answered these charges in several despatches. On December 31st, 1700, he wrote that he had made himself unpopular to some in the colony by his stand on these questions.<sup>118</sup> Three months later, he stated that the amount of smuggling in Pennsylvania was very small, and that its prosperity was not due to unlawful practices. "For indirect trade I cannot upon my best observations find our peoples much blamable. Some few have, and still visit Curaçoa, and this can not be helped,

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<sup>111</sup> C. O., 5:1288, p. 11.

<sup>112</sup> *Ibid.*, pp. 98 *et seq.*

<sup>113</sup> C. O., 5:1275, pp. 248-50.

In one seizure a parcel of East India Goods from Madagascar was found without a cocket. A valuation of £150 was placed upon it, although the goods were worth £1,000.

<sup>114</sup> C. O., 5:1288, pp. 201-2.

<sup>115</sup> *Ibid.*, pp. 413 *et seq.*

<sup>116</sup> C. O., 5:1289, p. 16.

<sup>117</sup> C. O., 5:1289, pp. 47-48.

<sup>118</sup> *Ibid.*



as the coast is 150 miles long and there are no waiters.”<sup>119</sup> On the 2d of July, 1701, he wrote that the country was improving, not by “piracy or forbidden trade, but honest labour and sobriety, and I wish them that have recommended themselves by their officiousness, or would do so (having little else than shipping to lie upon) were half as honest and useful and honourable as those they have faulted.”<sup>120</sup>

After receiving the report of the board of trade to the house of lords and house of commons, Penn sent another despatch on the 26th of August, 1701, in which he again denied that he had opposed the admiralty jurisdiction, or that Pennsylvania was guilty of an extensive illegal trade. He strongly opposed the bill, while it was pending in the house of lords.<sup>121</sup> A little later he returned to England and, through his influence, the bill was defeated.<sup>122</sup>

At this time the charges of smuggling concerned the trade in tobacco, which was the chief article of export. Large quantities were taken to Scotland and subsequently smuggled into England. It was thought that this was very prejudicial to England, both in defrauding the exchequer of revenue and allowing Scotch manufactures to be sent back in return. Consequently, vigorous efforts were made to counteract the trade. Governor Nicholson, of Maryland, appointed Captain Meech to cruise in the waters adjacent to his colony for the purpose of stopping illegal trade. Some instances connected with his task reveal the amount to which Pennsylvania engaged in this contraband trade. Captain Meech found that a man by the name of Hamilton, who had been a trader in Virginia for a number of years, was now engaged in smuggling tobacco into England *via* Scotland, and bringing back Scotch merchandise, forging certificates and even going so far as to make false seals of the English customs houses. On one trip he had taken 300 hogsheads of tobacco and brought back a false cocket for 3,000 pounds of Scotch cloth and ticking, 30

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<sup>119</sup> *Ibid.*, p. 37.

<sup>120</sup> *Ibid.*, pp. 203-4.

<sup>121</sup> *Ibid.*, p. 47.

<sup>122</sup> C. O., 5:1290, p. 95.

dozen of Scotch hose and 30 tons of sea cloth. In reporting this instance, Meech sent in a list of fifteen men engaged in this trade—besides noting that there were others whose names he could not remember. These traders had counterfeit seals of the customs houses of London, Bristol, Liverpool, Whitehaven, Newcastle, Berwick, Plymouth and Bytheford.<sup>123</sup>

Evidence of illegal trade between 1710-1750 is very vague. The loose connection between the colony and the mother country made it difficult to ascertain accurate information. The only sources were the governor's reports and the cases tried in the vice-admiralty. The former were usually very unreliable, as the governors were always eager to report that their provinces were in good order,<sup>124</sup> and when acting as judges of the vice-admiralty, they were especially anxious to make it appear that they were doing their duty. A case in 1724 illustrates this last point. Governor Keith wrote to the board of trade on the 25th of November, that he had made a seizure of the ship *Fame*, in spite of the negligence of the collector. The surveyor general's report, however, made the seizure appear to Keith's discredit. He claimed that the ship *Fame*, owned by a man named Pellin, a merchant in Rotterdam, arrived in Philadelphia bringing over immigrants from the Palatinate. It also brought East India and European goods to the value of £20,000, a violation of 15 Charles II, chapter 7. The vessel was seized and the collector left six waiters on board to watch her. The following night, sixty or seventy persons in disguise forcibly boarded her and took the vessel below the town, landing a greater part of the prohibited goods. A few days later, Keith went on board the ship, making a pretence of a new

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<sup>123</sup> C. O., 5:1287, Journal of Captain Meech.

<sup>124</sup> C. O., 5:1266, R. 7.

Col. W. Hart said that there were three collectors in Pennsylvania to prevent illegal trade and he believed measures were effectual. Also that Pennsylvania had no trade with foreign Plantations except to Madeira, Cadiz, Alicante and Lisbon. Later, he said that on account of the vigilance of the officers very few seizures were made.

seizure, and the vessel was sold for about £600.<sup>125</sup> The collector protested that he and the king did not get their share of the seizure. Finally, after appealing to the king and the lords justices, the collector was allowed to prosecute in the proper court in Pennsylvania, where he obtained a condemnation.<sup>126</sup> Another instance in which 15 Charles II, chapter 7, was violated occurred in 1726, when Joseph Brown was judge of the vice-admiralty. The inventory of this cargo shows plainly what goods were considered useful in contraband trade.<sup>127</sup>

40 pieces of calico in four bales .....	£60	0s.	0d.
10 casks of pepper 1200 lbs.....	80	0	0
2 pieces of muslin .....	5	0	0
10 pieces of silk 272 yards.....	40	16	0
6 pieces of Holland .....	21	0	0
21 pieces of Holland .....	63	0	0
9 pieces of Holland .....	31	10	0
48 pair of silk hose .....	17	0	0
34 pieces of coarse linen .....	32	0	0
12 pieces of ticking .....	54	0	0
9 pieces of osnaburgs .....	24	06	09
51 pieces of Kenting .....	30	12	0
8 pieces of striped linen .....	27	0	0
28 bags, buttons, and bundle of mohair....	4	0	0
12 papers of thread .....		10	0
brandy .....	6	15	0
cordage .....	6	15	0

Another feature of the smuggling was the undervaluation of goods, when the register and cocket appeared to be correct.<sup>128</sup> Governor Keith said, in 1719, that one-third of the rum imported was not registered.<sup>129</sup> Instance after instance came up to show that this was true. One interesting case was that of Thomas

<sup>125</sup> C. O., 5:1266, R. 52.

The goods taken in the seizure were: 2 cwt. of East India Tea, 1500 gallons of brandy, 200 gallons of French spirits, 1200 gallons of Burgundy claret and champagne, 70 bls. of gun powder, 30 tons of cordage, 40 tons of iron, 2000 weight of cheese, 200 bolts of Dutch sail cloth.

<sup>126</sup> C. O., 5:1267, R. 93.

<sup>127</sup> *Ibid.*, R. 112.

<sup>128</sup> C. O., 5:1267, R. 93.

There were a great many cases in which the chief charge was the lack of a register. One came up in 1728. In this instance it was very evident that the vessel was of English build and it was released.

<sup>129</sup> C. O., 5:1265, Q. 176.



Hazelwood, in 1750. He was the master of the ship *Sandwich* which left Rotterdam with three hundred Palatines bound for Philadelphia. The vessel touched at Cowes and a cocket was produced. When it reached Philadelphia it produced another cocket. It was found that there was a wide discrepancy between the two documents and that the goods were not only greatly undervalued, but, under cover of bringing in the personal belongings of the immigrants, quantities of East India goods were smuggled. Peter Randolph entered suit and was upheld by the court.<sup>130</sup>

The most serious charges, however, brought against the Delaware district was that of carrying on illicit trade with the enemy in time of war. During the War of the Spanish Succession, a flourishing trade existed with the Dutch and Spanish West Indies *via* the French West Indies, which nominally obtained their provisions from France.<sup>131</sup> The northern colonies exported to Curaçoa from 1200 to 1500 tons of bread and flour annually, and imported in return quantities of rigging sail, canvas, goods for weaving, cocoa, linen, muslins and silks.<sup>132</sup>

Monte Christi<sup>133</sup> and St. Eustatius<sup>134</sup> were notorious smuggling centers, where trade with foreign colonies was carried on with as much ease as if it were not prohibited by law. The market in the northern colonies was so glutted with French sugars, that the honest trader could not import sugars from the British West Indies, except at a great disadvantage and loss.<sup>135</sup> The

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<sup>130</sup> Pa. Hist. Soc. Mss. Custom House, Vol. I.

<sup>131</sup> C. O., 5:1288, p. 271.

<sup>132</sup> C. O., 5:1292, pp. 206-7.

<sup>133</sup> C. O., 5:1275, W. 3. Letter from Townsend White to London Correspondent, October 23, 1755.

Beer, G. L., *British Colonial Policy, 1754-1765*, p. 96-108. A full treatment of the trade of Monte Christi is given here—its situation—its commercial insignificance before it was made a free port, reasons for making it a free port, and the illegal trade with the continental colonies.

<sup>134</sup> Chatham Papers, Bun. 96.

<sup>135</sup> Addit. Mss. 33030 f401.

T. I. 476. Oct. 1756.

surplus of this illegal importation was re-exported to England and southern Europe, passing as British sugars.<sup>136</sup>

While the trade with the foreign colonies was known before the Seven Years' War, its real significance had not been appreciated. This was largely due to the ignorance of the authorities in England concerning the trade between the continental colonies and the West Indies. When this war, which was to decide the struggles between England and France, was begun and every effort was made to injure the trade of the enemy, all of these illegalities were brought clearly to light. The recent excellent treatments of the trade regulations during the war, the colonial trade with the enemy, and the means adopted to check it, make it unnecessary to consider these subjects here.<sup>137</sup> It is sufficient to state that this illicit trade was on such an enormous scale that the British ministry, in 1763, felt justified in making more stringent regulations concerning it.

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<sup>136</sup> Beer, *British Colonial Policy, 1754-1765*, p. 100, quoting letter from George Spenser to Amherst, *America and West Indies*, 95 (C. O. 5:60), and letter from Colden to Pitt, *America and West Indies*, 72 (C. O. 5:19).

T. I. 349. A long petition was presented May 7, 1763, from George Spenser in which there was a statement of the illicit trade with Monte Christi and fictitious clearances.

<sup>137</sup> Beer, *G. L.*, *British Colonial Policy, 1754-1765*. Chapters V, VI, VII. Root, W. T., *The Relations of Pennsylvania with the British Government, 1696-1765*, *passim*.

## CHAPTER II

### BRITISH LEGISLATION, 1763-1773

The British ministers of the period immediately preceding the American War of Independence accepted the conventional view of colonial empire. According to this view, the chief aim was to make the empire self-sufficing, and as a means to this end it was thought that the mother country should furnish necessary protection to the colonies, who, in return, should render her obedience. This conception of empire was severely tested at the close of the Anglo-French struggles of the 18th century, when the British Government was confronted with new problems of revenue and protection. As a preventive measure against future encroachments of the French and Indians, it was considered necessary to provide an adequate defense on the frontier and in the newly acquired territories. It seemed only fair that the expenditure necessary for this purpose should be met in part by the colonists, inasmuch as they had received, and would continue to receive, the greatest benefits. The experience of the Seven Years' War had proved beyond the shadow of a doubt that the colonies would not voluntarily assume their share of the burden. They had failed to furnish their full quotas<sup>1</sup> even under the stress of war, and it was not very likely that they would be more amenable in time of peace. This being the case, the only alternative was compulsion. In order to meet the necessary expense of this new system, efforts were made to obtain a larger revenue from the colonies through a series of laws relating to trade. Since the colonies were considered as parts of the empire rather than entities, the increase of the revenue from them was inseparably connected with imperial fiscal difficulties. For example, the sugar act was as much a part of the policy adopted towards France as that towards the colonies, and the tea act involved the relations

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<sup>1</sup> H. of L. Mss., Pennsylvania's debt during the war was £234,782, 11s., 3d. sterling. Of this, £91,391, 16s. sterling remained undischarged, to be raised by taxes in 1767, 1768, 1769, 1770, and 1771.



of the East India Company more than those of the colonies. The parliamentary acts of 1763-1773, considered from this point of view, were not oppressive, but were merely stern imperial measures taken at a time when protection and strict economy were essential.

The colonists, however, being almost wholly concerned with their own local troubles, could not appreciate this necessity. Anything which interfered with their interests or any law which seemed to benefit another colony to their detriment was received with deep resentment. In addition to holding this narrow provincial view of trade, they were also influenced by their ideas of representative government, which led them to consider the power of legislation at an angle different from that adopted by the British ministry. From their point of view, all of these acts were oppressive to trade as well as a violation of political principles.

Since the program of the ministry in 1763 was designed for the purpose of raising revenue, the discussion of the various acts will be limited as far as possible to the economic reasons for their adoption and the resistance to them.

An analysis of the colonial trade legislation during this period reveals two methods by which the revenue was to be raised:

- (1) New trade regulations.
  - (a) Reorganization of the vice-admiralty.
  - (b) Establishment of a customs board in America.
  - (c) Prohibitory measures against foreign trade.
- (2) New revenue acts.

### *(1) New Trade Regulations*

The first of these methods was obviously designed to check smuggling. During the late war there had been an excessive amount of illegal trade with the French West Indies to the great detriment of British interests. According to a treasury report of October 4, 1763, the revenue from the colonial customs "is very small and inconsiderable having in no degree increased with the commerce of those countries, and is not yet sufficient to defray a

fourth part of the expense necessary for collecting it.”<sup>2</sup> The treasury board realized that this condition was due to the neglect and connivance which the existing system permitted. It seemed an opportune time for a thorough-going reform, especially as it was necessary to make some provision for the newly acquired territories.

(a) *The Reorganization of the Vice-Admiralty*

The reform began in the vice-admiralty.<sup>3</sup> This institution had apparently been established in America before 1696, as a commission was given to Fletcher in 1692, to act as judge of a district which included East and West Jersey, Pennsylvania and New Castle.<sup>4</sup> Little seems to be known concerning the institution at that date and even in 7 and 8 William III, c. 10, its powers were but vaguely outlined. According to this act it was supposed to try cases which involved breaches of the laws of trade and navigation. The proprietors of Pennsylvania, Carolina, the Bahamas, the Jerseys and the general court of Connecticut denied the necessity of such courts and claimed that their charters granted them admiralty jurisdiction. They also petitioned that their governors might have the same admiralty powers as the crown governors. It was decided, however, by the attorney-general that there was nothing in the charters of these colonies which prevented the establishment of vice-admiralty courts.<sup>5</sup>

A vice-admiralty court was established at Philadelphia which had jurisdiction over Pennsylvania, Delaware and West Jersey, and Robert Quarry was appointed judge of the district.<sup>6</sup> This court met with opposition from the beginning. The chief ob-

<sup>2</sup> H. of L. Mss. Adm. Papers, No. 1.

Treasury Board Papers, I, 351.

Adm. Papers, Out Letters, Bundle 1057.

<sup>3</sup> H. of L. Mss. Adm. Papers, Nos. 1-17, The reform in the vice-admiralty was extended over three years, 1763-1766.

Admiralty Papers, Out Letters, Bundle 1057.

<sup>4</sup> Beer, G. L., *The Old Colonial Policy*, Part I, Vol. I, p. 292 n. 1.

C. O., 5:1287, p. 31.

Andrews, C. M., *Guide to the materials for American history to 1783 in the Public Record Office*, Vol. II, p. 35.

<sup>5</sup> C. O., 5:1287, p. 14.

<sup>6</sup> *Ibid.*, pp. 292-6.

jections were trial without jury and the encroachment of the maritime courts upon the domain of the civil courts. David Lloyd voiced the sentiment of many when he declared "that all those that did in any way encourage or promote the setting up of the courts of admiralty in this province were greater enemies to the right and liberties of the people than those that promoted the ship-money in King Charles the First's time."<sup>7</sup> The opposition was so great that two laws were passed in the Pennsylvania assembly against the courts. One, in 1698, provided that all breaches of the trade laws should be tried under the common law and by a local jury. The other provided that no freeman should be tried or condemned in any case whatsoever, except by the lawful judgment of his equals or by the laws of the province. Both were disallowed because they were contrary to the statute of 1696.<sup>8</sup>

Although the terms of 7 and 8 William III c. 10, were ambiguous, the vice-admiralty court acted according to these terms until 1764. During this time various interpretations were made of the duties and jurisdiction of the court at Philadelphia. Whenever the principal offices were held by men from outside of the province, there was considerable friction with the colonial government; while, on the other hand, there seemed to be little difficulty when colonists were appointed or when the governor acted as judge. The most trouble occurred during the administrations of Robert Quarry, 1696-1713, and Josiah Brown, 1724-1728. Quarry, being the first judge appointed, had to face the natural opposition aroused by the introduction of an institution which seemed to curtail the power of the regular colonial officials. Brown was the only other person from outside of the province to hold office for any length of time. The period between these two administrations and the period from 1728 to 1763 were comparatively peaceful. This was no doubt due to the presence of col-

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<sup>7</sup> *Ibid.*

<sup>8</sup> Charter and Laws of Pennsylvania, pp. 268-274.  
Pennsylvania Statutes at Large, Vol. II, pp. 18, 45.



onial judges, who were lenient in their administration of the court and allowed the civil officials to encroach upon their jurisdiction.<sup>9</sup>

The problems which arose after 1696 centered about the method of condemning seizures, the relative jurisdiction of the civil and admiralty courts, absenteeism and the fee system. In the condemnation of seizures, as well as in other questions, the lack of an authority superior to the district courts was most detrimental. The colonial courts were too remote to be supervised adequately by the English admiralty, and yet it was obvious at times that the purpose of the vice-admiralty was defeated through the absence of such control. In order to establish the authority of the courts the whole system was reorganized. A new court for all America was erected, which had concurrent powers with the district court and could exercise all the powers of the English admiralty except that of appeal.<sup>10</sup>

The statutes concerning the condemnation of seizures from 12 Charles II to 3 George III varied so much in mode and place of trial that the officers were uncertain how to proceed. In 1764, it was decided that offences committed against any law of trade could be prosecuted, sued for, and recovered in any court of record or in any court of the admiralty or vice-admiralty, according to the wishes of the informer. If either party was not satisfied with the decision, he could appeal to the vice-admiralty court which had jurisdiction in the district where the offence was committed, and, if that had been the court in which the case originated or a further appeal was necessary, it was taken to the admiralty court in England.<sup>11</sup>

The limitations of the jurisdiction of the vice-admiralty had also been vaguely defined in the act of 1696. There had been a

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<sup>9</sup> For a fuller discussion see Root, *The Relations of Pennsylvania with the British Government*, Chap. IV.

<sup>10</sup> H. of L. Mss. Adm. Papers, No. 15.  
Admiralty Papers, Out Letters 1057.

The question of appeals had been disputed since 1696. See Root, *The Relations of Pennsylvania with the British Government*, Chap. IV.

C. O., 5:1288, pp. 109-113, 413.

<sup>11</sup> *Ibid.*

dispute between Quarry and Penn concerning this matter.<sup>12</sup> Penn claimed that the vice-admiralty had no power on land and that it was necessary for it to go outside of the province to exert its control. On the occasion when a water bailiff was appointed, in the absence of Quarry, the latter complained that the rights of the admiralty had been seriously invaded. This was not the case. The appointment was only an emergency measure. Penn defined his attitude clearly in his dispatch of December 10, 1700.<sup>13</sup> He said that the difficulty lay in the fact that the vice-admiralty and civil courts overlapped in their jurisdiction and disputes occurred on the border land. He pointed out further that there was no skilled lawyer in Pennsylvania who could settle disputes of this character. It seemed to him hardly possible that courts, established for the express purpose of trying offences against the acts of trade and navigation and for piracy, could be supposed to consider cases which arose within the limits of the province, however much they concerned the sale of goods from vessels or work done on vessels.

In 1702, Penn made further charges against Quarry in this matter, claiming that he was ignorant of the law and that he attempted to extend his admiralty jurisdiction to cases which were clearly within that of the common law courts.<sup>14</sup> On account of the disputes which arose, the opinion of Sir Edward Northey, attorney-general, and Sir John Cooke, solicitor-general, was asked. They characterized the act 7 and 8 William III as "confused and dark" and in general upheld Penn's contention.<sup>15</sup> From that time it was fairly clear that the jurisdiction of the vice-admiralty did not extend to cases on land. The question came up, however, again and again. For this reason the act 4 George III c. 15 stated clearly the limitations of the court.<sup>16</sup> When the Earl of Northumberland was made vice-admiral of all America, his power extended "throughout all and every the sea shoals, public streams,

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<sup>12</sup> C. O., 5:1288, p. 413.

<sup>13</sup> C. O., 5:1289, pp. 278-90.

<sup>14</sup> C. O., 5:1290, pp. 65-70.

<sup>15</sup> *Ibid.*, pp. 109-113.

<sup>16</sup> 4 Geo. III, c. 15, sec. XLI.

ports, fresh water rivers, creeks, and arms as well of the sea as other rivers, and the coast whatsoever of all America and territories dependent thereon and maritime parts whatsoever of the same and thereto adjacent as well within the libertys, and franchises, as without, to take cognizance, and proceed in all causes civil and maritime and in complaints, contracts, offences, or prospective offences, arms, pleas, debts, exchanges, accounts, charters, party agreements, suits, trespasses, injurys, extortions and demands, civil and maritime, whatsoever commenced between merchants and proprietors of ships, etc.”<sup>17</sup> In short, the jurisdiction of the vice-admiralty was extended to every case, civil as well as maritime, which had the remotest connection with trade.

One of the chief defects of the system was absenteeism.<sup>18</sup> The admiralty officials were not explicitly required by law always to be present in their district, and many of them were very negligent. On several occasions this had been considered a serious hindrance. Robert Quarry wrote from Philadelphia on July 4, 1698, that the admiralty court was in bad shape. “The register appointed by Randolph lives a hundred miles from Philadelphia, and the marshall also appointed by Randolph is not at present in the colony. Besides, the chief officer, the advocate, is in England, and does not intend to come to Pennsylvania.” On this account he was unable to proceed to business.<sup>19</sup> At another time certain difficulties could have been averted had Quarry himself been present. While he was absent, because of ill health and private business, some offences were committed in the river at Philadelphia and the water bailiff was instructed to prosecute the case.<sup>20</sup> In order that such occasions could not arise, the act of 1764 required all of the officers to remain constantly at their posts of duty.<sup>21</sup>

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<sup>17</sup> H. of L. Mss. Adm. Papers, No. 11.

<sup>18</sup> H. of L. Mss. A report concerning the officers of the civil, military and admiralty establishments, delivered in the house of lords on the 20th of January, 1766, shows the amount of absenteeism in the colonies.

Adm. Papers, Out Letters, Bundle 1057.

<sup>19</sup> C. O., 5:1287, pp. 228-233.

<sup>20</sup> Root, *Relations of Pennsylvania with the British Government, 1696-1765*, p. 107.

<sup>21</sup> H. of L. Mss. Adm. Papers, No. 1.

Admiralty Papers, Out Letters, 1057.



The fee system was largely responsible for this difficulty. The English government had always felt that it was out of the question to provide salaries for all of the officers of the vice-admiralty and in most instances the provincial government was unwilling to assist in any way.<sup>22</sup> The fees were never large enough to defray an officer's expenses, and, in times of great opposition, fear of imprisonment sometimes kept them from accepting any at all.<sup>23</sup> Quarry wrote to the admiralty of England that he had "served his majesty for three years at his own cost and charge, and it had cost him a good deal of time, money, labour and hazard."<sup>24</sup> In order to make up the deficit, the officers were compelled to engage in private activities which took them away from their districts.<sup>25</sup>

To obviate these difficulties special provision was made, in 1764, for salaries.<sup>26</sup> The vice-admiral of all America and the judge of the court were each to be paid £800 a year. The judges of the new district courts were also to have the same salaries as had previously been paid to the judge of the court at Halifax, which had been considered the most important court before the establishment of the one for all America. Thus the principal officers were supposed to be sufficiently compensated for their work and did not need to seek other means of earning a livelihood.

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<sup>22</sup> C. O., 5:1288, p. 413.

When Roger Mompesson was appointed to succeed Quarry, the latter informed the board of trade that Mr. Penn had recommended to his friends here in Pennsylvania that they "do amongst them settle £200 a year on the new judge."

<sup>23</sup> Root, W. T., *The Relations of Pennsylvania with the British Government, 1696-1765, passim.*

<sup>24</sup> C. O., 5:1288, p. 413.

<sup>25</sup> 6 Anne, c. 37, sec. VII.

13 George III, c. 3.

29 George II, c. 34.

The fees were definitely established by act of parliament in cases of prizes taken during a war, but fees in case of vessels condemned in seizures varied in amount. They were usually 10 per cent of the value of the seizure. Keith said, in 1727, that he received 7 1-2 per cent of all condemnations.

<sup>26</sup> H. of L. Mss. Adm. Papers, No. 15.

The treasury board felt that the vice-admiralty in America should be strongly supported by the officials in other departments, civil and military. Therefore they petitioned that all the governors should be given strict instructions to suppress illegal trade, to exert their authority in protecting the officers of the revenue, and to transmit such observations as might occur to them on the state of trade. The military force was likewise requested to lend its aid in any emergency. The commanders-in-chief of his majesty's ships and troops in America and the West Indies were asked to give all possible assistance, to make such use of the forces under their respective commands as would be most serviceable in suppressing dangerous practices, and to protect the officers from the violence of any desperate and lawless persons who should attempt to resist the due execution of the laws. Furthermore it was suggested that a sea guard should be instituted to cooperate with the officers of the vice-admiralty, the military and the civil government. The improvement of the sea guard at home had been of great service in suppressing contraband trade, and it was thought that it would insure the obedience to law if one were placed in America.<sup>27</sup>

(b) *Establishment of Customs Board in America*

A change in the colonial customs house system came soon after the reorganization of the vice-admiralty. The treasury board had suggested, in its report of October 4th, 1763, that the revenue might be increased by the following remedies:

(1) All officers belonging to the customs in America and the West Indies should be fully instructed in their duty and should be compelled to remain constantly in their respective stations.

(2) Regular and constant correspondence should be required, which would keep the treasury informed about their proceedings. This correspondence should include an account of any difficulties they might meet in discharging their respective duties; also carefully drawn up accounts of imports and exports of their district,

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<sup>27</sup> H. of L. Mss., Adm. Papers, No. 1.  
Admiralty Papers, Out Letters, 1057.

amount of illicit trade, observations on the efficacy or inefficacy of any existing regulations, and suggestions of such alterations as would lead to the further improvement of the revenue.<sup>28</sup>

These remedies were adopted, and as a result detailed instructions were sent to all governors, surveyors-general, and custom house officers.<sup>29</sup> The number of circular letters inquiring about the state of trade and manufacture in each province increased rapidly, but the replies were not at all satisfactory. Some of the reports were unsystematic and unnecessarily long, while others were too meagre to be of any use. For this reason it was impossible to ascertain the amount of revenue from the colonies. A report made to the commissioners of the customs at London on the 3rd of April, 1767, concerning the duties in America, pointed out that "distance rendered correspondence with officers of the revenue very tedious and liable to uncertainty and interruption. Instructions and orders of the board could have but little effect—negligent, partial and corrupt officers, made various pretences either to defeat or elude the directions sent them, while the diligent and faithful officers, who were willing to do their duty, found great discouragement for want of ready assistance and information.

"The truth of this general observation has been long known and felt, but the oppression which officers of the revenue labour under in America (more especially in some parts of the continent) has lately grown to such an enormous height, that it is become impossible for them to do their duty, not only from the outrages of the mob, but for fear also of vexatious suits, verdicts and judgments in the provincial courts. Assistance from the governors and the institution of surveyor-general of the customs in America is very inadequate. It would be imprudent at times to act as the guarding of the revenue demands. The variety of busi-

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<sup>28</sup> H. of L. Mss., Adm. Papers, No. 1.

Admiralty Papers, Out Letters, 1057.

Treasury Papers, XI, 27, p. 318.

<sup>29</sup> C. O., 5:1233. Instructions to the governor from the secretary of state. It was during this time that John Penn received the letters referred to in the first chapter.



ness arising from the acts of navigation, trade and revenue in America depends almost wholly on the prudence and good conduct of the surveyor-general, and the distance is too remote for him to be of adequate use."<sup>30</sup>

Between April and September, 1767, a careful investigation was made of the custom houses and their officials in America. It was finally decided that it would be economical in the end to establish a general customs board in America which would supervise all the custom-houses on the continent and in the Bermudas and the Bahamas. A board of this nature was formally inaugurated by letters patent on September 8th, 1768.<sup>31</sup>

The principal duty of this board was to give information to the commissioners of the customs in London concerning the state of revenue in America. It was to all intents and purposes the colonial branch of the London custom house and the methods of the latter were adopted.<sup>32</sup> Consequently accounts were more carefully and systematically entered. Mr. Irving, the inspector-general of imports and exports and register of shipping, made out a table of accounts similar to the one which he meant to follow in his office and sent it to each port with instructions that they should make quoted reports according to this model. As a result, the shipping returns of all the colonies, from 1768 to 1773, were entered under the following general heads:

(1) Imports and exports to and from Great Britain and Ireland.

(2) Imports and exports to and from Southern European ports; Africa and the Wine Islands.

(3) Imports and exports to and from the West Indies.

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<sup>30</sup> Treasury Board Papers, I, 459; XXVIII, I.

<sup>31</sup> *Ibid.*, XI, 28, p. 145.

<sup>32</sup> The extent to which this board was effective may be found in letters among the Admiralty Papers II 3866; in the accounts which were sent to the lords of the treasury from the custom house, Boston, beginning September 8, 1767—Custom House Establishment Books, Custom House, London; and in the letters sent by the American board of commissioners to the various collectors and comptrollers of the colonies,—Custom House Miscellanea 16. Register of Letters Outward beginning January 5, 1768.

(4) Imports and exports coast wise.

(5) Account of duties on exports and imports.<sup>33</sup>

This was a great improvement on the old hap-hazard method of keeping accounts. Mr. Irving wrote in 1770 concerning the matter :

"Previous to the establishment of this board the customs were drawn in a very confused, imperfect and inaccurate manner. The accounts of imports being entirely omitted by reason of the multiplicity of articles of which said cargoes generally consist, and the imports and exports to and from neighboring colonies (which commonly pass under the denomination of coasting trade) being seldom if ever inserted in the accounts, and even such goods and commodities as were brought into the account were not arranged in any order or method, nor were the real quantities thereof ascertained with proper precision, so it was merely impossible for me to keep an account of import and export either for the information of government or to be a check upon illicit trade agreeable to the end and design of my appointment."<sup>34</sup>

(c) *Prohibitory Measures Against Foreign Trade*

One of the chief reasons for a more thorough supervision of trade was the enforcement of the "enumerated" policy as outlined in the navigation act of 1660,<sup>35</sup> the staple act of 1663<sup>36</sup> and the colonial act of 1673.<sup>37</sup> While two of these acts were originally directed against the Dutch, the principle upon which they rested was the economic independence of the empire. The aim was to encourage the production of raw material in the colonies and to make England the center for manufacturing. To offset the disadvantage to the colonies of requiring them to send their sugar, tobacco, cotton, wool, indigo, ginger, logwood, fustic and other dyeing wood, and cocoa nuts directly to England or to some other British colony,<sup>38</sup> an attempt was made, by means of bounties and

<sup>33</sup> Customs 16:1.

<sup>34</sup> Treasury Board Papers I, 476.

<sup>35</sup> 12 Charles II, c. 18.

<sup>36</sup> 15 Charles II, c. 7.

<sup>37</sup> 25 Charles II, c. 7, sec. 5.

<sup>38</sup> Beer, G. L., *British Colonial Policy, 1754-1765*, Chap. X. *passim*.

preferential tariffs, to secure the English market for certain colonial staples. For a district which enjoyed a direct trade with the mother country, these regulations could work little hardship, but in those districts, such as the Delaware, which depended upon circuitous routes there was little sympathy for such a policy. Before 1764, the only enumerated article which seriously affected the trade of this district was sugar, as tobacco had ceased to be of importance early in the century. In that year,<sup>39</sup> however, the enumerated list was enlarged, the chief additions being lumber and iron. The colonists complained of this legislation, and in order to minimize their distress parliament passed another act, in 1765, providing for the payment of bounties on these products.

This relieved the situation to some extent, but it was generally regarded in the northern colonies as inadequate compensation for the hardship of having the articles on the enumerated list. On account of its bulk and smallness of value, lumber could not, as a rule, be sold at a profit if it had to reach its final market by way of England.<sup>40</sup> The same was true of iron. John Dickinson said, "Indeed, to require us to send all our iron to Great Britain is, in the opinion of some of our most judicious merchants, to require an impossibility. For, as the article is so heavy and such small quantities can be sent on one vessel, they assert that we cannot send freight directly home for one-half of it."<sup>41</sup>

The additions to the enumerated list in the act of 1764 were not so objectionable as the new restrictions placed upon the trade with the West Indies and the minute regulations made for inter-colonial commerce. The traders of the Delaware district had always been vitally concerned in attempts to prevent the continental colonies from using the foreign West Indian markets, and had made protests whenever the matter was brought up. Mr. Paris, agent of Pennsylvania, presented a memorial, in 1731, which gave reasons why the monopoly which the assemblies of the Barbadoes, Antigua and St. Christophers demanded, would be injurious to

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<sup>39</sup> 4 Geo. III, c. 15.

<sup>40</sup> Beer, G. L., *British Colonial Policy, 1754-1765*, Chap. X. *passim*.

<sup>41</sup> Chatham Papers. Bundle 97.



British trade in general. He said that "Pennsylvania may be called one of the bread colonies," and he pointed out that she imported more manufactures from Great Britain than the other three colonies together.<sup>42</sup> Furthermore, he said that she obtained means for purchasing merchandise through trade in food stuffs with the West Indies—the foreign as well as the British. Since the latter could not consume the surplus of the bread colonies nor furnish the northern colonies with all the molasses, sugar and rum required, it seemed more correct to promote the trade than to curtail it.

In 1733, the West Indies, from the point of view of trade, were by far the most important colonies of the British Empire. Compared with them—especially the sugar islands—the continental colonies were insignificant. On account of this, everything was done to promote their welfare. The molasses act was passed, as the government thought that legislation compelling the continental colonies to purchase their molasses and sugar from the British West Indies would necessarily increase the prosperity of those islands which were already occupied and would strengthen the British in their struggle with the French for the possession of St. Lucia, Dominica and St. Vincent. Conditions, however, changed considerably during the next thirty years.<sup>43</sup> The continental colonies developed much more rapidly than the West Indies, and a very flourishing trade sprang up between the northern

<sup>42</sup> C. O., 5:1267, S. 13.

B. T. Commercial Series II, Vol. 414. The statistics given in this volume do not bear out this statement. From Christmas, 1731 to Christmas, 1732 the exports from England were as follows:

Pennsylvania .....	£41,698	Montserrat .....	£2,075
Antigua .....	22,376	Nevis .....	4,666
Barbadoes .....	60,191	St. Kitts .....	18,024
Jamaica ..	132,780		

C. O., 5:1267, S. 34.

It is hardly possible that the situation was as Mr. Paris presented it because Governor Gordon said in 1731 that Pennsylvania did not have a large trade with the foreign plantation, sending only three or four vessels to Surinam and perhaps one to Curaçoa and sometimes one to St. Eustatius, but none to the Spanish or French colonies.

<sup>43</sup> Dickinson, John, *Late Regulations. Memoirs of the Historical Society of Pennsylvania*, Vol. XIV, pp. 221-2.

colonies and the foreign islands in violation of the molasses act. The British West Indies were no longer capable of taking all of the goods of the northern colonies or of furnishing them with sufficient West Indian produce.

The Delaware traders were the chief offenders. The small amount of duties collected from this act shows how inadequately it was enforced. Only £600 6s. 10d. were collected on merchandise and £141 11s. 9d. on prize goods, from 1733 to 1750. Violations of the act were also brought to light in the proceedings and *viva voce* evidence taken before the commissioners of trade and plantations in 1750.<sup>44</sup> In this investigation testimony was given by merchants of London trading with the sugar islands, who thought that it would be prejudicial to their interests, if the illicit trade were allowed to continue. They called attention to the manner and the degree in which the northern colonies, more particularly Rhode Island and Pennsylvania, had evaded the law. In times of war, "it was done by flags of truce, sometimes with only one, two or three prisoners, and sometimes purchasing prisoners for that purpose, and, since the war, in an open and regular course. It was a known fact that the northern colonies consumed great quantities of French and foreign rum, sugar and molasses, and it was well known that they never paid any duties for it. Vessels have cleared from Rhode Island to Jamaica, have gone to some other British settlement, have sold their lumber for specie, refusing rum and molasses, and have gone to some foreign settlement and bought a cargo of rum and molasses with that specie and, sometimes, linen, silks, East India goods and other prohibited merchandise."

In this investigation some of the reasons for trading with the French were brought out. In the first place, the lumber produced in the French colonies on the continent was not so useful for their puncheons and hogsheads as that grown in the northern English colonies, and it was less difficult to import it from the northern colonies than from Canada or Louisiana. Secondly,

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<sup>44</sup> C. O., 5:38. Proceedings and *Viva Voce* Evidence Taken Before the Commissioners of Trade and Plantation in 1750.

provisions and specie were very scarce in these plantations and, if the merchants could not exchange their West Indian products for lumber and provisions, they were reduced to extreme necessity. Thirdly, since lumber alone was sometimes sent, and a cargo of it was not always sufficient to purchase the required amount of rum, molasses and sugar in the French colonies, specie was demanded in the British sugar islands instead of products, to make up the balance.<sup>45</sup>

The British West Indian merchants suffered considerably from this trade as it took away most of their specie and prevented them from selling their products in North American markets. Consequently, they petitioned for an act which would prohibit the trade more effectively. They suggested a more thorough-going supervision of ports and certification of goods.

The act which resulted from these petitions was clearly in line with the reforms in the vice-admiralty. The detailed regulations in respect to the loading and unloading of goods presuppose an active vice-admiralty court and the co-operation of a water-guard, a military force and the civil government. The aid of these institutions was necessary to enforce such provisions as : (1) that, before any vessel could take on its enumerated goods the owner must take out bonds to the value of the goods and certify that they were going to Great Britain or to some British plantations; (2) that no ship should be cleared from Great Britain or the colonies unless the entire cargo was laden and shipped to one destination; (3) that the certificate for entry and discharge must be under the hand and seal of the customs officer, comptroller, collector of customs and four of the commissioners in London or three in Edinburgh. Careful provision was made for damage suits. An officer could not be sued for damage in case of seized goods, the owner could not recover costs, and persons who claimed seized goods were obliged to deposit security to cover the costs of the suit.<sup>46</sup>

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<sup>45</sup> *Ibid.*

<sup>46</sup> 4 Geo. III, c. 15, sec. XII, XXVII, XXX, XLIV.

C. O., 5:1233. Orders and Instructions to Thomas and Richard Penn, April, 1767.



The sugar act was not merely a revenue measure, but, like the molasses act, it was also intended to direct trade into certain channels. New duties were imposed upon foreign coffee and pimento, oriental and French goods, and wine from Spain and Portugal. Madeira wine re-exported from Great Britain was allowed a drawback of £3 per ton. Since the duty upon the direct importation was £10 per ton, it was thought that this would cause the trade to go by way of the mother country. The molasses act was made perpetual, with the duty on foreign molasses and syrups reduced to 3*d.* a gallon, the duty on foreign sugars raised to £1 7*s.* per cwt. and the importation of foreign rum or spirits absolutely prohibited. The two and one-half per cent duty on foreign goods re-exported from Great Britain was not paid, nor was any part of the old five per cent subsidy drawn back.<sup>47</sup>

These were all significant changes which were meant to benefit certain parts of the empire by giving preference to their industries. Beside this, every effort was made to make Great Britain the entrepôt for the whole empire, with the hope that the duties paid into the British exchequer would be increased thereby and that smuggling would be decreased by a more careful supervision of exports and imports.

This measure was very unpopular in the northern colonies. In the first place they felt that it was unjust to promote the interests of some of the dominions at the expense of others. John Dickinson, writing to William Pitt in December, 1765, said concerning the matter: "In this light the restrictions laid on their trade to the foreign plantations in the West Indies are regarded and will be regarded. The natural consequences of these restrictions are to impoverish the continental colonies, to render them dissatisfied, and gradually to break off their connection with Great Britain by lessening their demands for manufactures."<sup>48</sup>

One argument, given in support of this view in a paper endorsed "Mr. Huske's Scheme for Free Ports in North America,"

<sup>47</sup> 4 Geo. III, c. 15.

<sup>48</sup> Chatham Papers, Vol. 97. Letter from John Dickinson to William Pitt, 1765.

has a very modern ring. After pointing out that it ought to make little difference what foreigners did, since the West India planters were unable to supply the markets of the continental colonies, he said, "setting aside its not injuring our sugar planters, do not these supplies to foreigners and the advantages made of the returns also give support to our northern plantations? Does it not make them more useful and beneficial to the mother country and does not the supplying foreign colonies with what they want and taking from them that they produce, so far as this extends make them colonies of Great Britain, and this too, without the expense of supporting and defending them?

"France and Spain, fully sensible of the immense advantages we reap from trading with their colonies in the West Indies, have done and continue to do all in their power to prevent it, except for articles which their colonies occasionally want. And we have, ever since the late peace, done their business for them more effectually than they could have done it for themselves, when from all considerations and in every point of view we ought to have done the reverse."<sup>49</sup>

Secondly, the increased list of enumerated goods and the proviso that even non-enumerated goods should not be sent to ports north of Cape Finisterre, unless they had touched at Great Britain, were considered very harmful. One pamphleteer said concerning sugars, and this would apply to other articles as well, "if we go to Great Britain first and land them there, it will prove so expensive by the delay and charges of loading and unloading and reshipping, and also a double freight insurance, that the trade cannot be carried on to any advantage, especially in time of war. If we carry these sugars direct to a foreign market by license from Great Britain, the difficulties and embarrassments are still greater, as the vessel in which any sugars are to be shipped must first go to Great Britain and the master enter into bonds there, before a license can be procured, during which time the sugars are to remain in the king's stores here, and after they are delivered in a

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<sup>49</sup> Addit. Mss., 33030, f. 318. Mr. Huske's Scheme for Free Ports in North America, 1765.

foreign port, the vessel must return to Great Britain to cancel the bonds, before she can proceed in any other voyage—though the liberty granted to carry these sugars directly to foreign ports by license, might be intended as an encouragement to the trade, the regulations and restrictions are such as will effectually defeat this very design.”<sup>50</sup>

The multiplicity of bonds and cockets and the tedious delays which they caused constituted a third objection. Besides the bonds required for enumerated goods, the master of the vessel was not allowed to take in any more enumerated goods without first giving another bond with surety. By this act, bonds were also required for the coasting trade. Before a cocket could be taken out, oath had to be made stating when, by whom, and in what vessel the article was intended to be exported. At times information could not be obtained at once and the delay was apt to cause embarrassment.<sup>51</sup>

An extract from a letter written by an American concerning the British legislation from 1765-69, gives a very good example of the general feeling:

“Pardon me, honorable sir, when I say that it is the opinion of most of us in North America, that the British legislature for the last two years have been entirely misinformed of the true state of these colonies,—and the real advantage accruing from their commerce with their mother country. For (exclusive of the stamp act) the duties upon foreign sugars, molasses, wine, etc., not only lessen the number of shipping, but in a great measure prevent the merchants from means of making remittances home for the incredible quantities of woollen, cutlery, and other British manufactures. Besides, every dollar or pistol paid in duties takes off so much from the sums remitted for British manufactures; because nine-tenths of the specie imported amongst us from the Dutch free ports, the Spanish Islands and Main, have constantly in peace been sent home, and we not having one-quarter

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<sup>50</sup> Pamphlet. Observations on the Several Acts of Parliament by a Boston Merchant.

<sup>51</sup> *Ibid.*



enough of our own produce in this and neighboring provinces for the necessary remittances. Specie and foreign sugars have ever made up the deficiency. But those not being any longer to be had, new methods must be fallen upon to clothe us."<sup>52</sup> He also pointed out that there was not enough specie in the colonies to pay for such duties as the stamp act demanded for one year.

## (2) *New Revenue Measures*

The first act passed for revenue alone was the one which granted and applied certain duties in the form of stamps on papers, documents, pamphlets, etc., for the purpose of defraying the expenses of protecting the colonies. As in the case of the vice-admiralty reforms, means were provided for collecting these duties. Six thousand pounds were to be paid out of the sinking fund for meeting the necessary expenses of carrying the act into execution.<sup>53</sup> This sum was to be used in salaries to the various officers who would be in charge of collecting the duties. The following were the salaries granted: £10 additional per annum to the chamber keeper; £40 additional per annum to the receiver general; £50 additional per annum to the comptroller; £100 to a new secretary to the comptroller; £20 to a second clerk to the comptroller; £50 to the packer and messenger of the American stamp warehouse; £100 and eight per cent of monies collected to the distributors of stamps and 20s. per day for their traveling charges when out upon their inspection.<sup>54</sup>

This act was the result of a plan which had been proposed a long time before.<sup>55</sup> To the British statesmen of the period it was clearly within the limits of parliamentary jurisdiction, as was shown by the vote in both houses. The commons passed it by a

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<sup>52</sup> Chatham Papers, Vol. 97, Proposal signed by an American Farmer.

<sup>53</sup> H. of L. Mss. Paper marked Treasury Chambers, 9 July, 1765.

<sup>54</sup> H. of L. Mss. Paper marked Stamp Office, 27 April, 1765.

Mr. Bretell, Secretary to the Commissioner of Stamps, to Mr. Jenkinson, Secretary of the Treasury.

<sup>55</sup> Addit. Mss., 33030, f. 376. "Reasons humbly offered in support of a proposal lately made to extend the duties in stamp paper and parchment all over the British Plantations."

Beer, G. L., *British Colonial Policy*, pp. 38-41.

vote of 250 to 49, and it passed the lords without a division. It appeared to do away with the many difficulties inseparably connected with port duties and appropriations. To the colonists it represented all that they had grown to feel was tyrannical and unjust. They saw in it a violation of an abstract principle which those responsible for the measure did not recognize. On account of this wide difference of opinion concerning taxation, the opposition to the act in America was predominantly political. The resistance, however, had also an economic basis. The act was economically untenable on account of the scarcity of coin, and would no doubt have been a hindrance to trade, if it had been enforced.<sup>56</sup> The small amount of specie in this district was for the most part Spanish coin which came through the West Indian trade or by smuggling. Paper currency was the usual medium of exchange. While this answered the purposes of the trade within the district, its depreciation rendered it useless outside.<sup>57</sup> It could not be used for remittance to Great Britain and was not accepted in payment of duties. Thus any bill such as the stamp act, which demanded sterling in payment was not only a hardship, but impossible of execution because there was no metallic money available.<sup>58</sup>

In the examination of merchants before the house of lords this point was clearly brought out. A merchant was asked if he thought that a modification of the stamp act, so as to permit the colonies to pay in goods instead of specie, would make it reasonable. He answered in the affirmative. To the question, "If the stamp act had been executed without opposition, would you have usually answered orders," he replied, "I should have considered them disabled to the amount of the tax and would therefore shorten my credit." The same merchant also said that, if the act

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<sup>56</sup> Addit. Mss., 33030, f. 163. Franklin said, in his examination before the house of lords, that the act was impracticable because the posts did not go back into the country.

<sup>57</sup> C. O., 5:1289, pp. 17-31.

<sup>58</sup> C. O., 5:1270.

T., I, 471.

Paper Currency was worth 35 per cent exchange on London, in 1723, but rose to 70 per cent before the close of the colonial period.

continued and was submitted to, he would decline to send goods, except when they were paid for in advance.<sup>59</sup>

As the act was never enforced in Pennsylvania, hardship of this sort was not felt; but the determination not to obey it obstructed trade in such a way that many feared its consequence. The date set for the enforcement of the measure was November 1st. In spite of the lateness of the season nothing was done for a month. In the meantime vessels were not allowed to clear without stamped paper, and the distributors, fearing the violence of the mob, did not distribute the stamps. On December 1st, 1765, the collector and comptroller wrote to the commissioners of the customs:

"We make no doubt that your honours will have heard, long before this reaches you, of the opposition made in all parts of America to the stamp act and that the papers are arrived in the different colonies [and that] the people will not receive them nor suffer them to be used. We have been ever since the first of November (when the act was to commence) and for a long time before deliberating about what part would be proper for us to act, or rather whether it would be prudent of us to act at all, as officers of the customs without stamp paper. And we still are at a loss how to determine. We have not yet done anything since the 1st of Novemembr, but people, who have vessels loaded, begin to be very uneasy and clamorous. The winter is near at hand and we may expect in a short time that our navigation will be stopt by ice. The harbour is full of vessels and, if we don't begin soon to permit them to depart they will probably be shut up all winter, which will occasion great distress, and perhaps ruin to many of His Majesty's subjects, and at the same time be a means of lessening the revenue of customs.

"What we have said above is on a supposition that it is in our power to detain them; but that is not the case. We dare not do it if we would. People will not sit and see their interest suffer and perhaps ruin brought upon themselves and families when

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<sup>59</sup> Addit. Mss., 33030, f. 163.

Examination of Merchants before the House of Lords, 1765.



they have it in their power to redress themselves. What has lately happened at New York (and the same spirits prevail as strongly here) is sufficient to convince us that it is in vain for us to contend against the general voice of a united people. We have not the least hopes of enforcing the act by anything that we can do, at present. The people of all ranks are so averse to it that we do not know whether they had rather see the city laid in ashes than submit to it. We may lessen ourselves in the esteem of the people and expose the weakness of your power to put this or any other law into execution, if at this time we obstinately refuse to comply with their requests; and we can see no good consequences that can possibly ensue from it, so that upon the whole we are of opinion that it will be best to let the business of the custom house to go on as usual till we receive instructions to the contrary. The surveyor general is of this opinion, but he does not choose to give us any orders as he cannot undertake to indemnify us against the penalties of an act of parliament. As this is an unprecedented case, we have no rule to walk by and, therefore hope the most favourable construction will be put on our conduct. We have waited thus long in order to be at a greater certainty whether the stamps were to be had or not. As there is not the least possibility of getting them, we must submit to necessity and do without them, or else in a little time people will learn to do without them, or us, as no custom-house officer in America dare venture to seize a vessel, even if she came without any papers at all.”<sup>60</sup>

Seven days later, Charles Stuart, surveyor-general in America, wrote to the commissioners of the customs thus: “All of the distributors of stamps between Halifax and St. Augustine have been compelled to resign their commissions, and no stamp paper can be obtained in all these countries. This has thrown them into great confusion. The courts of law are shut, redress for injuries cannot be obtained, debts recovered nor property secured nor transferred. But the evils necessarily occasioned by a stop to the

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<sup>60</sup> H. of L. Mss., 1, December, 1765, Extract of a letter from the collector and comptroller of Philadelphia to the commissioner of the customs.

internal business and police of the colonies, are not equal to the consequences of shutting up their ports at this season of the year. Permit me briefly to enumerate a few of them. Thousands of seamen and others, whose sole dependence is on navigation are not only rendered useless to their country, but deprived of the means of subsistence; provisions, for which at this time there are large orders, particularly for corn for France and Spain, Portugal, the Mediterranean, etc., must perish on hand, while famine may spread through our West Indian Islands, by being suddenly cut off from their usual supplies; Ireland would be greatly distressed for want of flax seed from hence on which her linen manufacture depends; other articles of produce by which remittance may be made are detained in this country, the revenue lessened, and trade and navigation, the source of wealth and the support of the maritime and commercial nation, entirely stopped, which must be attended with ruin to multitudes and distress to all. These are weighty considerations, but a stronger inducement for proceeding to business here and at New York still remains.

“The officers at both places have by their address and prudence evaded for a full month granting clearances, in hopes that some way would be opened by which they might be extricated out of their difficulties; that time did not pass without strong application and even threats, which they had great reason to believe would soon become very serious. It is supposed there are now in this port 150 sail of vessels. The frost generally sets in about Christmas, and continues upward of two months. Nothing is more certain than that so great a number of seamen shut up for that time in a town destitute of all protection to the inhabitants, even of militia, would commit some terrible mischief, or rather they would not suffer themselves to be shut up, but would compel the officers to clear vessels without stamps. This would undoubtedly have been the consequences of a few days longer delay, and I need not add it would have been highly imprudent to have hazarded the event. The least evil attending it would in all proba-

bility have been the loss of about five thousand pounds belonging to the revenue of the custom house."<sup>61</sup>

The political opposition became so great that the act was repealed in 1766. At the same time changes were made in the sugar act of 1764 which had caused so much discontent. The duty on molasses was lowered to 1*d.* per gallon. Export duties were imposed upon oriental and French goods, and the colonial import duties on these articles were repealed. Coffee and pimento were charged with import duties when coming into Great Britain, instead of the former export duties.<sup>62</sup>

The repeal of the stamp act completely defeated the British ministry in their attempt to raise revenue. There is little doubt but that they were at a loss to find some way to meet the large expense of the elaborate machinery set up in the colonies. Furthermore, in spite of the fact that men like Chatham and Burke were pointing out the fallacy of their method, the ministers did not seem to grasp the distinctions which the colonists drew between internal and external taxation. Thinking that he was making a difference Charles Townshend drew up the act which imposed duties on glass, paper, painters' colors, red and white lead, and tea.<sup>63</sup> It seems strange, if his motive was purely economic, that articles such as glass, paper, painters' colors and lead should be chosen. They were not necessities and the manufacturers of these articles depended largely upon the colonial market.

The objections raised against this act were also principally political. It would have meant a slight hardship to pay the duties on account of the lack of specie, but that consideration was insignificant compared with the desire to defeat the underlying principle of taxation. The belief that taxation without representation was unjust was becoming more widely accepted, and by 1770, had completely eclipsed the economic motive for resistance.

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<sup>61</sup> H. of L. Mss., Letter from Charles Stuart, surveyor-general in America to the commissioner of the customs.

<sup>62</sup> 6 Geo. III, c. 52.

<sup>63</sup> 7 Geo. III, c. 56.



In that year the ministry were compelled to repeal all the duties imposed in 1767 except that on tea.<sup>64</sup>

The tea duty has received a great deal of attention in accounts of this period of colonial history. It has always been considered as the supreme test of the ability of the colonies to maintain their principles of taxation, and as such has held an important place in their political annals. From the point of view of imperial trade the issue was more complicated. The East India Company and its relation with the home government between 1767 and 1773, gave rise to numerous troublesome questions.<sup>65</sup> Moreover, the problem demands attention here because the colonial trade was deeply concerned. In order to present the real position of the government and the economic reasons why the act was passed, it is necessary to discuss the fiscal difficulties which arose between the government and the East India Company.

In the early part of the eighteenth century the East India Company had become the sole legal carrier of tea to England and her colonies.<sup>66</sup> The use of tea had become very prevalent, and as a result the company was making enormous profits. In 1767, when it was taken as one of the articles upon which a duty was imposed, the company, in order to extend the home consumption and exportation of tea, applied to the house of commons, "to take off for a limited time the inland duty of one shilling per pound weight on all black and single teas consumed in Great Britain, and to allow a drawback on all custom house duties<sup>67</sup> upon tea exported to Ireland and the British dominions in North America for a limited time, and they declared themselves willing to indemnify the public in respect to the said drawback and inland duty

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<sup>64</sup> 10 Geo. III, c. 17.

<sup>65</sup> C. O. 5:1283, p. 59. Maryland Gazette, 25 January, 1770, American opinion concerning the repeal of the revenue act.

<sup>66</sup> Treasury Solicitor Papers. Bundle 3321.

<sup>67</sup> Farrand, M., *The Taxation of Tea 1767-1773*—[Am. Hist. Review, Vol. 3, p. 266.]

The custom duties "consisted of the Old and New subsidies, and other subsidies granted at various times, which amounted, in 1767, to £23, 18s. 71-2d. on every £100 of the gross price, or about 24 per cent.

Baldwin, *Survey of British Customs* (London, 1779) Part II, pp. 26-31.

taking the said inland duty and the duties of customs so to be drawn back at a medium of five years."<sup>68</sup>

The petition was granted, and, on the first of September, 1768, the treasury applied for the sum of £57,419 5s. 6d., which according to their account was due from the East India Company. Their method of reckoning was as follows:

The net produce of all the duties  
of customs upon teas for five years  
ending the 5th of July, 1767.....\$1,333,346 14s. 9d.

The net produce of all the excise  
duties upon teas for five years  
ending the 5th of July, 1767..... 2,261,483 10 5

Total .....£3,594,830 5s. 2d.

Average ..... £718,966 1s. 0d.

The net produce of all the  
duties of customs upon teas for  
the year ending 5th July, 1768.... £382,981 14s. 4d.

The net produce of all the duties  
of excise upon teas for the year  
ending 5th July, 1768..... 310,867 5 8

Total ..... £693,849 0s. 0d.

The net produce of all the duties  
of customs upon the importation  
of teas which were exported to  
Ireland and the British colonies in  
America for five years ending July  
5, 1767, amounted to.....£161,511 2s. 6d.

Average ..... £32,302 4s. 6d.

£661,546 15s. 6d.

Amount due from the East India  
Company .....

£57,419 15s. 6d.

The director of the company objected to the accounts on the ground that the duties of customs for the year ending the 5th of July, 1768, were understated. The account drawn up according to the directors stood thus:

<sup>68</sup> Treasury Solicitor Papers. Bundle 3321.

The company promised to pay the deficit within forty days after the 5th of July in each year, if, after the deduction of the average amount of duties of customs on tea exported from England to Ireland and America, the amount in the exchequer was not equal to the previous average amount.

The net produce of all the duties  
of customs upon teas for five years

ending 5th July, 1767.....£1,333,346 14s. 9d.

The net produce of all the duties  
of excise upon teas for five years

ending the 5th July, 1767..... 2,261,483 10 5

Total .....£3,594,830 5s. 2d.

Annual Average .....£718,966 1s. 0d.

The net produce of all the duties  
of customs upon teas for the year

ending 5th July, 1768..... £441,063 2s. 10d.

The net produce of all the duties  
of excise upon teas for the year

ending the 5th of July, 1768..... £310,867 5s. 8d.

Total ..... £751,930 8s. 6d.

The net produce of all the duties  
of customs upon the importation

of teas which were exported to  
Ireland and the British colonies in

America for five years ending the  
5th July, 1767, amounted to.....

£161,511 2s. 6d.

Average ..... £32,302 4s. 6d.

£719,628 4s. 0d.<sup>69</sup>

Amount due from East India Co..... 662 3s. 0d.

The treasury pointed out that the sum of £441,063 2s. 10d. was made up of two parts, duties on importations of teas consumed at home, £382,981 14s. 4d., and duties upon importation of teas afterwards exported, £58,081 8s. 6d. The company held that since the sum equal to the average annual net produce of the duties paid upon the importation of teas exported to Ireland and America were to be deducted, no other amount ought to be. They considered that, if they had to pay £58,081 8s. 6d., then they were paying twice for the drawback, and to support the argument they quoted the clause beginning "so as the money to be paid by the said company shall not exceed the annual net produce during the five years."

To this, the treasury replied: "Suppose the customs upon teas were appropriated to pay annuities and the net produce directed to be kept distinct and apart from the other public revenue

<sup>69</sup> *Ibid.*



for that purpose. In this case it is manifest that the sum of £382,981 2s. 10d. and not the sum of £441,063 2s. 10d. would be deemed the net produce applicable to the payment of such annuities. Examine the books of the customs, excise or salt offices, you will find that drawbacks are not included in the net produce of any revenue. Common sense indeed will teach us that the sum of money which never comes to the use of the public but is returned almost as soon as levied cannot with any propriety of language be called a net produce."<sup>70</sup>

The spirit of the act went against the company as well as the letter. It was evident that the public was in no event to be the loser, but was to receive, during the term of the act, the same income from tea, which, the quantities of tea sold continuing the same, it would have received had not the inland duties been discontinued and had the drawback not been allowed. The test sum which was annually to be made good to the public was a fifth part of five years' receipts of money actually paid into the exchequer and never drawn back.<sup>71</sup>

The treasury pointed out further that it would be natural to expect the company during the time of the act not only to import an amount sufficient to supply the Irish and American markets for that time, but enough for some years to come, when the drawbacks would cease. The exportation would then be very small for a considerable time. "Suppose," they said, "that the drawbacks upon teas amount *communibus annis* to £50,000 a year and that in the four remaining years of the bargain there will be tea exported to answer the Irish and American demand for four years after the conclusion of it. In this case it is evident that, besides the loss of £50,000 a year after the drawback is resumed, they will, in the course of the next four years, suffer a diminution of revenue to the amount of £400,000, if the company are permitted to enter their drawbacks into the annual account as net produce of the custom house duties."<sup>72</sup>

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<sup>70</sup> *Ibid.* (Treas. Sol. Papers. Bundle 3321).

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

It was also claimed that the East India Company defrauded the public considerably by contriving to change their date of sale. Before 1766 the company had always had two sales, September and March, and the annual revenue was £763,062 14s. 10d. When they learned or believed that the act of 7 Geo. III, c. 56, would be passed, they postponed the March sale to August. This made only one sale, in 1767, and caused the average to be computed from nine sales rather than ten. The company answered this charge by saying that the nine sales were larger than the ten during the five years before 1762, and that they were compelled to put the price very low in order to counteract the smuggling under high prices due to duties.<sup>73</sup>

During the year ending July 5th, 1768, the government suffered considerably by this arrangement. It had been agreed that £718,000 or thereabouts, was the average of all duties before the act. The immense quantity of tea put up for sale in that year, however low the prices were, furnished duties sufficient to make good to the government that sum and some hundred pounds over. Besides, the government had paid in drawbacks £58,000, and had received from the company toward that sum only £32,000. The deficiency on the whole from the average of the foreign duties was £26,000, but towards the deficiency the American duty of 3d. should be taken into account. Nevertheless the government suffered and at the same time the company had no deficiency to make good. At the end of the next year the company had to pay £142,000 to make up for the deficiency. The drawbacks were £67,000, but, after the deduction of the £32,000 due to the government, there remained only £35,000.

In 1770, the government lost £18,500. Nevertheless, during the three years the company had lost through the decrease in the price of tea £600,000, although legal consumption had increased two-fifths; £185,000 had been paid for indemnification and the government was demanding £80,000 as the difference between the drawback and the annual £32,000. It was estimated that the company would be out £850,000 for three years, if the government

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<sup>73</sup> *Ibid.*

won, while the government would not lose a shilling; if, on the other hand, the company succeeded, they would lose £785,000, and the government £80,000. In either case the experiment was a dear one.

That was the state of affairs between the government and the East India Company at the close of 1770. Neither the company nor the government was satisfied, and matters did not mend during the next few years. The difficulty seemed to lie with the North American colonies. After the repeal of the duties on glass, painters' colors and lead, the disturbances subsided. For a time tea was imported, principally at Boston but the amount was so small that the government revenues were insignificant, and the company steadily lost money. The truth of the matter was that the colonists in general did not need to patronize the company, because they could supply themselves with tea smuggled from St. Eustatius or from Boston, where the merchants were not over conscientious in carrying out the non-importation agreement.

Two attempts were made to satisfy all parties concerned. The first, in 1772, arranged that the company should pay £718,000 annually into the exchequer, since according to the treasury account the indemnification was never sufficient, and according to the company's table<sup>74</sup> the company more than indemnified the government. This arrangement did not aid in the American difficulties and the company was forced to store in English warehouses during that year 16,000,000 pounds of tea, at one shilling per pound, because of the discontent in the colonies. Such pressure was brought to bear upon the government that the company was allowed the privilege of importing tea directly into the colonies, duty free, on the condition that they would pay over to the government a sum equivalent to the former duties. It was hoped that by this method the company would be able to increase their sales appreciably, and at the same time remove the friction between the colonies and the mother country.<sup>75</sup>

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<sup>74</sup> cf. Tables, pp. 300-301.

<sup>75</sup> Treasury Solicitor Papers, Bundle, 3321.

As it worked out through concessions to the East India Co., the colonists were paying less for their tea than people in England—See M. Farrand—*The Taxation of Tea, 1767-1773*, p. 269.



Shortly after the arrangement was made it became evident that the colonies were not going to accept it. They saw no difference between paying the duty themselves and allowing the East India Company to pay it for them. Led on by this idea, they listened to those, who, for the sake of a principle, were anxious to thwart the plans of the government, and to those—and these were almost as numerous—who through fraudulent means were getting large profits by importing tea from Holland and Boston.<sup>76</sup> The latter class never lost an opportunity to keep up the fire of indignation against the government and the East India Company.

The general character of the opposition to the tea act in America and the especially vigorous measures adopted in Boston are familiar facts of history. We have only recently come to realize, however, the very important part played by the city of Philadelphia. The publication of the lengthy correspondence of James and Drinker of Philadelphia, Pigon and Booth of London, and their branch in New York, proves almost conclusively, not only that the resistance originated in Philadelphia, but that the movement in other colonies was largely directed by the Philadelphia leaders. Moderate and without excessive ferment, they were able to prevent the landing of tea, although they allowed Captain Ayres to protest, and loaned him a sufficient amount to prepare for a return voyage.<sup>77</sup>

Thus it seems that the various acts passed during these ten years had, from the point of view of the ministry, an economic basis. The avowed purpose of the legislation from the beginning was to increase the revenue and in every instance the trade of the empire was the chief consideration. While it is true that some of the demands—for example, the sugar act—if enforced, would have impoverished certain parts of the empire and enriched others, that was more or less an incident in the general imperial scheme. The difficulties and embarrassments attending the

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<sup>76</sup> Treasury Board Papers, I, 462.

<sup>77</sup> Bulletin of Friends' Historical Society of Philadelphia, Vol. II, No. 3 and Vol. III, No. 1.

Thomas B. Taylor, The Philadelphia Counterpart of the Boston Tea Party.

"enumerated" policy were no doubt recognized by those who made the demands, but to counteract the well organized system of smuggling there seemed to be no more effectual method than to make Great Britain the entrepôt of the whole empire. On the other hand the resistance to the acts in the Delaware district can be defended on economic grounds. The very nature of the trade and the economic conditions of the district forbade any restrictions on the West Indian trade. Although an economic pressure upon the trade is discernible only in the sugar and stamp acts, nevertheless the "enumerated" policy, which continued during the entire period except for a few alterations, was the chief cause of the later resistance. It would be impossible to explain except on political grounds the action taken towards the Townshend acts and tea acts. The non-importation agreements must be considered as economic measures taken against the general policy reflected in these acts, rather than against the acts themselves.

## CHAPTER III

### THE EFFECT OF THE BRITISH LEGISLATION

The numerous letters and pamphlets written by traders and colonists in disapproval of the ministerial program would lead one to conclude that the colonial trade was seriously hampered, that factories were erected in large numbers, that imports and exports rapidly decreased and that the high duties caused a great deal of hardship. There can be no doubt, however, that the evil results were greatly exaggerated. It is possible, by considering the state of manufactures, the custom house statistics of exports and imports, and the amount of smuggling during the period, to estimate roughly the real extent to which the legislation was effective.

#### (1) *Manufactures*

The state of manufactures in the colonies after 1763 is one of the best indications of the effect of the British legislation during this period. This is particularly true in the case of the Delaware district, whose traders were compelled to obtain British manufactures through circuitous routes. Restrictions placed upon the trade with the West Indies and southern Europe affected their ability to import manufactures quite as much as duties upon goods imported directly from Great Britain.

Before 1763, manufactures had gained little headway in the district. The small amount of woolen and linen produced was a sign of poverty. Most of the manufactures were of the household type, the price of labour being so high that it was unprofitable to establish factories. According to Dickinson, the situation had changed by 1765. He wrote to William Pitt in that year, "Thousands are now in these northern provinces raising flocks of sheep who never had any before; the price of which animal and their wool have within two years increased upwards of 30%. Beef, pork, wheat and our other produce fall daily in their prices, because the merchants cannot ship these commodities to other markets as formerly, which greatly favors raising of sheep; for



instead of fields of wheat, Indian corn, and grazing pastures for our cattle, most will in short time, if things continue as they are at present, be turned into sheep pastures. Fulling mills are erecting all over the country, dyers and other workmen are constantly arriving from home. It is the opinion of most people here that more woollen clothes have been made within the last two years than in twenty years together, which real necessity has set on foot. One thing that greatly encourages our manufactures in general is the lowness of wages of late, which are likely still to fall owing to the great scarcity of cash; the main obstacle of our setting up manufactures formerly being the exorbitant price of labour.”<sup>1</sup>

According to Bagnall, a linen manufactory was set up in Philadelphia in 1764. Hemp, flax and land were purchased for this purpose, and some nine hundred persons were employed. A plant of another kind was started by Daniel Mause two years later. He advertised in the *Pennsylvania Gazette* that he had lately erected a number of looms for the manufacture of thread and cotton stockings, and other kind of hosiery, “hoping the good people of this and neighboring provinces will encourage this his undertaking at a time when America calls for the endeavors of her sons; and as the goodness of Pennsylvania made stockings is so well known and so universally esteemed, said Mause will work up thread, cotton, worsted, yarn, etc., in the best manner for the country gentlemen or others who may be pleased to employ him for a moderate satisfaction.”<sup>2</sup>

These instances and a few more represent the efforts made in setting up manufactories in Pennsylvania after 1763. They were at best spasmodic and temporary. John Penn, writing on January 27, 1767, said concerning manufactures in his province, “Very little encouragement is given to such schemes, nor do I know of any actually carrying out at this time except two. One of these was set up about three years ago in this city, by private subscrip-

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<sup>1</sup> Chatham Papers, Bun. 97. Dec. 1765. Letters from John Dickinson.

<sup>2</sup> Bagnall, W. R., *Textile Industries. 1789-1810*, pp. 51-54. *Pennsylvania Gazette*, May 1, 1766.

tion, for the making of sail cloth, ticking and linens, but the persons concerned have already sunk money by their project; for the high price of labour will not allow any of the articles to be made at so cheap a rate as those of the same quality and goodness manufactured in England and sold by the retailer here. They have therefore lately resolved to discontinue that undertaking."<sup>3</sup>

Penn's report differed considerably from that just quoted from Dickinson. The discrepancy between them is partly accounted for when the purpose in each case is analyzed. Penn as an official would be anxious to give as favorable an account as possible of his colony; while Dickinson, who strongly opposed the stamp and sugar acts was eager to give all of the facts their most gloomy aspect. Nevertheless, Dickinson wrote when two acts were in force which were considered by merchants to be pernicious to trade, and Penn's account came after the repeal of one and the partial repeal of the other. Taking all things into consideration, it seems that the legislation of 1763-1765 gave a little stimulus to manufactures in that it drained the district of specie and thus made it more difficult to get money for remittance to England. During the remaining years of this period manufacturing conditions remained about the same. There were spasmodic attempts to erect plants of various kinds, but the high price of labor, lack of capital and presence of free lands made manufacturing on a large scale unprofitable.

The various attempts to establish manufactories naturally accompanied a decrease in the importation of manufactures into the district. The merchants, in 1766, in giving evidence as to the inefficacy of the stamp act, claimed that there was a considerable decrease in manufactures sent from England. One house gave the following figures for manufactures sent to New England, New York and Pennsylvania:

1763.....	£1,131,901	4s.	4d.
1764.....	537,614	13	7
1765.....	404,644	14	10 <sup>4</sup>

<sup>3</sup> C. O., 5:1281, p. 69. John Penn sent another report with the same information on the 13 June, 1768.

<sup>4</sup> Addit. Mss., 33030, f. 163. Examination of Merchants before the House of Lords, 1765.

*(2) Trade Statistics*

The export and import trade statistics between Great Britain and Philadelphia also show a decided fluctuation during the period. From 1702 to 1763 there was a fairly steady increase in spite of the many wars. After 1763, when the time seemed propitious for a great advancement of trade, the variation was not only greater than in the earlier period, but the high mark of 1760 was never reached again in the colony of Pennsylvania. While it would be too much to assert that this was wholly due to the British trade legislation, the fact that a decrease occurs after certain acts were passed indicates that the trade was affected by them. The greatest decrease of imports from England came during the years 1764-1766 and 1769-1770.<sup>5</sup> Reasons for the first instance may be found in the sugar act and stamp act, which cut off means for getting remittances more than any other acts. The second period covers the years in which the non-importation agreements were most effective.

The first instance of a non-importation agreement was in 1765. Soon after the stamp act congress, which presented the political reasons why the act should be repealed, a paper containing six resolutions was passed around in Philadelphia from house to house and from store to store for signers. Among other things it was agreed that the subscribers should countermand all orders for British manufactures, unless they were articles which could be used in American manufactories, and that if goods were imported the sale of them should be prevented.<sup>6</sup>

It would be difficult to determine what force these resolutions exerted, as the closing of the harbors at Philadelphia between November 1st and December 1st accomplished their object. After the customs officers began to clear vessels without stamped paper the act was for all practical purposes null and void.

<sup>5</sup> See App. IV.

<sup>6</sup> Pa. Hist. Soc. Mss., An. 340. Non-importation agreement signed by the merchants in Philadelphia 25 Oct. 1765. According to the grandson of William Bradford, one of the principal factors in the movement, this paper was "the first public act in the country declaring resistance to the oppressive acts of the British crown."



No other concerted efforts were made until after the revenue act. In the meantime the quartering of troops in Boston, the appointment of officers out of sympathy with the colonial trade, the suppression of the New York legislature, and the stationing of cutters in the harbors, had added to the flame kindled by the acts passed previous to 1766. On the passage of the revenue act and the establishment of the customs board, attempts were made to interest British merchants in the American distress. For this purpose associations of economy and non-importation of superfluities were formed in most of the northern colonies.<sup>7</sup> From a letter of New York merchants to merchants in Philadelphia, dated Sept. 1, 1768, it is evident that these attempts were of several months standing.<sup>8</sup> They referred to a previous invitation, given to Philadelphia merchants to enter an association of non-importation, and complained that the scheme had fallen short because they had waited for the Philadelphia merchants to act. They considered the time of year most propitious because of the spring orders, and were determined to proceed without the aid of Philadelphia.<sup>9</sup>

The Philadelphia merchants were the last to enter the association. John Penn wrote in July, 1770, "The reasons, given by the merchants here for delaying to adopt the measures so long, were because they judged any such rash and untimely resolutions, instead of answering the purpose intended by them, would rather irritate the government against them and be the means of frustrating the design of the petitions, which had been sent by the assembly of this province to the king and parliament, and therefore they thought it most advisable to decline entering into any

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<sup>7</sup> C. O., 5:1283, p. 67.

<sup>8</sup> Pa. Hist. Soc. Mss. Society of Collection Letters from New York Merchants.

Broadsides A. B. 1, No. 129. Pa. Hist. Soc. This paper published 25 April, 1768, shows that the Philadelphia merchants were also aroused early in the year.

<sup>9</sup> C. O., 5:1299.

John Penn evidently refers to this letter in his correspondence with Lord Hillsborough, in 1770, when he wrote that attempts had been made as early as September, 1768.

agreement proposed by them, till they should know the success of these petitions. But afterwards, on hearing they were not likely to have the desired effect, they immediately joined heartily in the general association."<sup>10</sup>

The merchants of Philadelphia finally agreed on the 10th of March, 1769, that they would also restrict importation. The agreement varied in different colonies, but in general the following was accepted by all:

(1) Nothing was to be imported which was taxed by parliament for the purpose of raising a revenue in America, except paper not exceeding six shillings per ream and such articles as had already been ordered.

(2) Enumerated goods were not to be imported.

(3) Wines were not to be imported.

(4) No ewe lambs that would be weaned before the first of May were to be killed.

(5) If any enumerated goods were imported, importers, agents and managers were not to be allowed to make use of them.

(6) Persons disobeying these articles were to be boycotted.

(7) After the expiration of six months none of the enumerated articles were to be imported from any other colony which had imported them from Great Britain.

(8) No tradesman or merchant was to take advantage of the scarcity of these goods to enhance prices.<sup>11</sup>

When it was learned that the house of commons had agreed to pass a bill for the repeal of duties on paper, glass, painters' colors and lead, but that the duty on tea was to be continued, the merchants of Philadelphia had a general meeting to consider the best plan of conduct to be pursued. They desired to wait until

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<sup>10</sup> C. O., 5:1299. Letter from John Penn to Lord Hillsborough, 1770.

C. O., 5:1300. Letter from Lord Hillsborough to John Penn in which he said "it would have redounded greatly to the honour of the merchants of Philadelphia, if they had kept to the resolution in which they so long persisted by declining any association against importation from Great Britain." See also Annual Register, 1765, p. 55. N. Y. Col. Doc., VII, pp. 799-800.

<sup>11</sup> C. O., 5:1282, Non-importation agreements.

the 5th of June before taking any steps, that they might learn the sentiments of the merchants of the neighboring colonies and act in concert with them. On the 5th of June another meeting was held, and it was determined that there should be no alteration in the agreement which they had entered upon on the 10th of March, 1769.<sup>12</sup>

The feeling, which existed among the merchants of Philadelphia at this time, is best shown in a letter written by James Drinker to his partner Abel James on the 29th of April, 1770. "I have heretofore mentioned to thee the restlessness and dissatisfaction of many of the importers under the present agreements; the pretexts for such uneasiness have been that the burden was unequally borne. While the importers of wine, molasses, etc., were pursuing their trade to considerable advantage and paying large sums into the treasury for revenues raised out of those articles, the importers of British goods were standing still and sacrificing all for the public good. That our agreement subjected us in many instances to hardships which the other colonies had in their agreement wisely guarded against. At Boston baize for fishermen was an excepted article. Maryland imports all coarse woollens at or under eight shillings per yard, and are running away with our trade for Indian goods and all others which that price will comprehend. Albany continues importing for their Indian trade; our Indians must be properly and reasonably supplied with clothing and other necessities, which in our present circumstances, the traders must apply for to Maryland or Albany. That in the agreement formed on the 10 March, 1769, a great number of persons signed who were not importers, yet these by the tenor of the agreement, are to determine as to our trade and property, and have a vote in the altering, releasing and annulling the same. It is further urged that so far as we have tried the experiment, it has proved grievous to many, and that a number of

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<sup>12</sup> C. O., 5:1300, Letter written by John Penn to Lord Hillsborough, September 5, 1770.



shopkeepers and importers, who have but small capitals, must sink under it if continued another season."<sup>13</sup>

In the spring of 1770 the non-importation agreements began to break. The repeal of the revenue act on April 12th, 1770, without the repeal of the duty on tea, caused a dissension among the American merchants regarding importation. On the 10th of May the principal merchants of Albany wrote to the merchants in New York thus:

"We are desired by the merchants of this place to acquaint you that they have this day resolved to make null and void their articles of non-importation entered into last summer, and are agreed to import all sorts of merchandise from Great Britain as before the agreement of non-importation was entered into, except the article of tea which they have agreed not to import till the duty on the same shall be taken off. We hope our resolution may be approved of by the merchants and traders of your place."<sup>14</sup>

This news was received with disapprobation by some of the merchants in New York. Isaac Low wrote on the 26th of May to merchants in Philadelphia informing them of the action taken by the Albany merchants and expressing his astonishment at the "hasty and unwarrantable resolution," but he hoped that it would not influence any of the merchants of New York or Philadelphia.<sup>15</sup>

It is quite evident, however, from a letter of Lieutenant Governor Colden to the Earl of Hillsborough, dated the 16th of May, that there were a number of merchants in New York, Philadelphia and Boston who were likewise ready to give up the agreement.

"The merchants in this place and in Philadelphia have under consideration, whether to import goods from Great Britain or not. I am told the majority both in this place and Philadelphia are

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<sup>13</sup> Pennsylvania Magazine of History and Biography, Vol. 14, p. 42.

Printed Correspondence of James Drinker to his partner Abel James.

<sup>14</sup> Pa. Hist. Soc. Mss. Society of Collection, Merchants' Letters.

<sup>15</sup> *Ibid.*

for importing, and that they will come to a determination in a few days. The party in opposition to the present administration join with the people of Boston in measures to prevent importation and for that purpose stole late in the night last week a procession of the mob to expose a Boston importer, who happened to come to this place. The magistrates knew nothing of the design till it was too late, otherwise, I believe it would have been prevented. Tho' the parties are much exasperated against each other, I hope the public peace will be preserved, and the issue will be favourable to the government."<sup>16</sup>

Three weeks later, on the 7th of July, 1770, Colden again wrote to Hillsborough. This letter indicates a wide divergence of opinion existing between the merchants of Philadelphia and New York. He said, "Soon after it was known that the parliament had repealed the duties on paper, glass, etc., the merchants in this place sent to Philadelphia that they might unitedly agree to a general importation of everything except tea. They at first received a favourable answer, and their agreement to the proposal was not doubted; but soon after a letter was received at Philadelphia from a gentleman in England, in whom the Quakers in that place repose the greatest confidence, advising them to persist in non-importation, till every internal taxation was taken off; this changed the measures of Philadelphia; but the principal inhabitants of this place continue resolved to show their gratitude for the regard the parliament has in removing the grievances they complained of. As there still remains a restless faction, who from popular arguments, rumours and invectives, are endeavouring to excite riots and opposition among the lower class of people a number of gentlemen went round the town to take the sentiments of the individuals. I am told that 1180, among which are the principal inhabitants, declared for importation, about 300 were neutral or unwilling to declare their sentiments, and a few of any distinction declared in opposition to it. I am informed likewise that the merchants of this place resolved to acquaint the mer-

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<sup>16</sup> N. Y. Col. Doc., Vol. VIII, pp. 214-5.

chants of Boston and Philadelphia with their inclination to import."<sup>17</sup>

The "gentleman in England," referred to, was, in all probability, Benjamin Franklin, who was in England at that time. A letter from him as agent for Pennsylvania and Massachusetts, written on the 18th of March, 1770, to a correspondent in America, concluded with this remark: "In short it appears to me, that if we do not now persist in this measure until it has had its full effect, it can never again be used on any future occasion with the least prospect of success, and that if we do persist another year we shall never afterwards have occasion to use it."<sup>18</sup>

It is impossible to determine whether or not the decision to retain the non-importation agreement in Philadelphia was influenced by this letter. It is certain, however, that after receiving word from New York that a majority of the merchants there had resolved to import everything, except tea and other articles on which duties might subsequently be imposed,<sup>19</sup> the inhabitants of Philadelphia, the suburbs and a great number from the country, met in the State House and adopted the following resolutions:

"1. That the non-importation agreement entered into by the merchants and traders of the colonies is a safe, peaceable and constitutional way of asserting our rights and, if persisted in, there is reason to believe it will produce the desired effect, and therefore ought to be considered as a bulwark of our liberty.

"2. That good effect depends upon perseverance and that strength consists of union.

"3. That a breach of the agreement at present cannot be owing to any want of real necessities, especially in the northern colonies, and that the partial repeal of the American revenue act is no just foundation for deviating from the agreement entered into; as the claim of right to tax us without our consent is still kept up and the duty on tea retained as a test of that right.

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<sup>17</sup> *Ibid.*, p. 217.

<sup>18</sup> Smyth, Writings of Benjamin Franklin, Vol. V, p. 254.

<sup>19</sup> Pa. Hist. Soc. Mss. Society of Collection, Letter from Isaac Low and others in N. Y., 26 May, 1770.



"4. That the alteration adopted by a majority of the inhabitants of the city of New York is a sordid and wanton defection from the common cause, and that by that defection they have, as much as in them lies, weakened the public character of America, strengthened the hands of our enemies, and encouraged them to prosecute their designs against our common liberty.

"5. That all the bad consequences that may ensue to the liberties of America by their defection are chargeable upon a prevailing faction in New York.

"6. That as a testimony to the world of our disapprobation of the late measures adopted by that prevailing faction we will break off all commercial intercourse with New York, so far as not to purchase of any of the inhabitants of the colony of New York any goods except alkaline, salts, skins, furs, flax and hemp, until they return to their agreement or until the act of 7 Geo. III is totally repealed. And we pledge ourselves each to the others that if we know of any person attempting to bring into this city or province any goods from New York except these above enumerated, that we will immediately give information of them to the merchants' committee, that their names may be published in the newspapers, provided always that every inhabitant of this place, town and province, who has effects at New York, may have the liberty to remove them from thence, provided it is done within six weeks from this date."<sup>20</sup>

The chief advantage of these agreements was that they helped to make the complaints of the merchants against the revenue act more effective. So far as actually diminishing the revenue was concerned, they did not accomplish much, owing to the fact that they were frequently violated. They had scarcely any effect in Boston and Rhode Island, where merchants made little effort to conceal the fact that they imported manufactures from Great Britain. In Philadelphia the association held out the longest, and statistics show considerable diminution of trade; but even here the method of procedure was found to be impossible, on

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<sup>20</sup> C. O., 5:1300. Inclosure dated 19 July, 1770, in a letter from John Penn to Lord Hillsborough.

account of non-enforcement in other colonies and the overpowering commercial interests of the people. The great increase of imports, in 1771, indicates that the agreements had become a dead letter in Philadelphia.<sup>21</sup>

While the statistics show a decrease in certain years in all manufactured articles imported from Great Britain, except necessities, the trade in other channels seems little affected. The amount of molasses legally imported was less in 1765,<sup>22</sup> but otherwise the West India trade did not appreciably change. With the exception of the one year, 1769, the tonnage in all the channels of trade does not vary<sup>23</sup> in a marked degree.

The comparatively slight deviation in the trade statistics is not, however, a proof that the trade of the district did not suffer from the legislation. After the close of the Anglo-French struggles, when the freedom of the seas was much greater, trade should have increased rapidly in every part of the empire. Furthermore, in determining the effect of the legislation upon trade in the Delaware district, the failure of the grain crop in Europe must be taken into account. The first important demand for American wheat was made in the autumn of 1765 and 1766. James Tilghman wrote to Thomas Penn on the 10th of November, 1766—"I believe you will have a very great receipt of money this year. The European demand for our produce is a very favorable circumstance."<sup>24</sup>

The merchants of London who traded with North America felt this situation keenly. At one of their meetings held on the 31st of October, 1766, they drew up the following memorial which states clearly the condition both in Europe and America:

<sup>21</sup> Appendix IV.

<sup>22</sup> T., I, 505.

The revenue collected in Pennsylvania from the duty on molasses was also less in 1765 than it was for the two preceding years:

1763.....	£165	0s.	0d.
1764.....	1,576	12	6
1765.....	91	5	0

<sup>23</sup> Customs, 16:1. Tables of the West Indian, the Southern European and the Wine Island trade.

<sup>24</sup> Pa. Hist. Mss., Vol. X.

"That effectual relief may be obtained by a speedy importation of wheat and flour from the continent of America, where the crops this year have been remarkably plentiful and the grain particularly good in quality.

"That from the latest advices from that side, 28th ult. Philadelphia, the best wheat might have been purchased and imported into this kingdom at or under 33 shillings per quarter in which computation are included, commission for purchasing, charges of shipping, insurance, freight, tonnage and port charge.

"That although the price in America may probably advance by the orders which are sent thither for the supply of Italy, there is, nevertheless, great reason to believe it may be purchased in America on lower terms than in any part of Europe.

"That for these considerations the undermentioned persons do agree to subscribe the several sums set against their names for the purpose of importing wheat and flour from America.

"That a call *pro rata*, be made on the subscribers as often as money is wanted.

"That three vessels be chartered and sail directly for this purpose.

"That orders be forwarded by them and several others for the earliest conveyances for purchasing wheat and flour in America, that such a number of vessels be chartered there as may be thought proper.

"That the vessels shall be engaged to touch at Falmouth for orders where to proceed to a port of discharge.

"That in case the ports of England are opened by government for the admission of grain from the British plantations, the said vessels shall be ordered to such ports of the kingdom as shall appear from the best intelligences to be in the greatest want of bread-corn.

"That all the grain imported shall be sold for the benefit of the manufacturers, mechanics and laborious poor without any profit to the subscribers whatsoever.

"That in case the ports of Great Britain should not be opened for the admission of grain from the British plantations, the said



ships shall be ordered to such markets as may appear to be the most advantageous to the subscribers."<sup>25</sup>

In 1767, the situation was such that wheat was imported from the continent of Europe free of duty,<sup>26</sup> and in the next year an act was found which permitted the importation of wheat from the colonies free of duty. The poor harvests in Europe, during the years 1767, 1769, 1771, made it necessary to continue this act. Thus the abnormal demand came at an opportune time and helped to counteract the difficulties incident to the enumerated policy.

### (3) *Illicit Trade After 1763*

Statistics are, after all, very ineffective in measuring the amount of trade under a highly protective system. Smuggling was so prevalent that when allowances have been made for all the vessels which never entered, and the undervaluation of goods which were legally imported, the accounts of the custom officials assume little importance. Consequently the state of illicit trade would be a better indication of the effects of the British legislation, especially upon the trade of this district, than either the number of new manufactures or the fluctuations of the amount turned into the exchequer. One of the chief aims of the new acts was the prevention of illicit trade. The government hoped to secure as much by that means as by the new export and import duties, at least enough to pay for the various colonial establishments. With all the carefully worked out details of the new regulation there remained some defects to which the failure of executing the laws may be partially attributed. Among these, one of the most noticeable was the small number of authorized landing places. This was a great handicap in the enforcement of such clauses as the one in the act of 7 Geo. III, c. 46, which provided "that from, and after, the 20th of November, 1767, the master or other persons having or taking the charge or command of every ship or vessel arriving in any British colony or plantation in America shall before he proceeds with his vessel to the place of

<sup>25</sup> Chatham Papers, Bun. 97. 31 Oct., 1766. Merchants' Proposal.

<sup>26</sup> 7 Geo. III, c. 4-11.

unloading, come directly to the custom house for the port, or district where he arrives, and make a just and true entry upon oath before the collector or comptroller or other principal officers of the customs there, of the burthen, contents and lading of such sloop or vessel."<sup>27</sup> It was almost impossible to carry this out, because there were numerous harbors and places without customs offices, where vessels were fitted out and to which they returned to unload and discharge. On one occasion the following questions were asked:

1. "Must a master bring his vessel to a port or district where there is a customs house, and may the officers of the customs refuse to admit him to an entry if he does not bring the vessel?"

Ans. 'Not necessary to bring the vessel in, but the master must apply for admittance before unloading.'

2. "Do these regulations hold for coastwise shipping?"

Ans. 'No. Only for foreign shipping.'

In the first place, supposing a trader was dishonest enough to carry on illicit trade, it is almost inconceivable that he would cease to be dishonest at the port of entry, when chances were few that a false cocket would be detected. Secondly, if the trader had acted according to the letter of the law and successfully evaded the detection of the customs officials, he was able to proceed in landing the contraband goods with little difficulty.<sup>28</sup> On the other hand, if there had been officers at the principal landing places to search the vessel carefully, the trader would no doubt have been less courageous in his dishonest pursuits.<sup>29</sup>

Duncan Stuart, writing to Thos. Bradshaw on the 13th of February, 1769, from New London, made this point very clear. He said, "The amount of duties collected in one year was £319 3s. 2d. The smallness is owing to several vessels belonging

<sup>27</sup> T., I, 463.

7 Geo. III, c. 46.

cf. Chap. I.

<sup>28</sup> T., I, 463. The interpretation of this clause also rendered it useless.

<sup>29</sup> T., I, 400. On another occasion it was remarked that places existed where there were few outdoor officers, and in such places the indoor officers trusted entirely to the report of the master.

to this district having entered their cargoes at Boston, New York and Philadelphia, but there is no doubt with me that it is in great measure owing to a great many goods being run, an evil that in my humble opinion can never effectually be prevented, unless sea vessels (whose burthen ought to be at least 70 tons) are obliged by law to unload at particular quays. But as long as vessels are allowed to land their cargoes at the distance of 10, 20, 30, 40, 50 miles from the custom house, business is and must be carried on in a very loose manner, and all endeavors to check it are in vain."<sup>30</sup>

The opinion of Jonathan Sewall, attorney-general of Massachusetts Bay, given on the same date, is worth considering as it applies to the Delaware district as much as to Massachusetts. He believed "that England should appoint officers at one or more ports in every province, but the boundaries of few or none of the ports have been ascertained by any authority whatsoever. Trade not being confined to the places where the officers reside but being carried on at places convenient to the merchants, vessels with dutiable goods often arrive at points remote, the master proceeds by land and makes report and entries at the customs house and often never comes near the customs house at all, and as little credit can be given to the report and entry, the revenue is often defrauded and gives opportunity to the merchants to run any part of the cargo with impunity."<sup>31</sup> Soon after this an investigation was made concerning the towns, districts and ports of America, but nothing was done towards improving the conditions.<sup>32</sup>

The fee system was another fault, which had been only partially corrected, when salaries were given to the chief officer of the vice-admiralty. Although a fee was defined by law as a "gratuity given to an officer over and above his salary to excite him to a diligent performance of his duty,"<sup>33</sup> it meant a dependence

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<sup>30</sup> T., I, 399, Feb., 1769.

<sup>31</sup> *Ibid.*

<sup>32</sup> Cf. Chap. I, p. 244, note 10. Addit. Mss., 15484.

<sup>33</sup> C. O., 5:1273, Act regulating fees for custom-house officers. T., I, 471. Nov. 14, 1767.



because the salaries were very small. The officers under a highly protective system were either aiding in the illicit trade by granting false certificates, or they were in danger of suffering from insufficient fees.

The amount of fees was ascertained in three different ways, by act of parliament, by custom, and by verdict of jury. Attempts were made, in 1765, to determine fees by law. The clause which concerns the customs house fees opens with the words "and in order to prevent any disputes concerning what fees the officers of His Majesty's customs in the British colonies or plantations in America may be entitled to for making entries or other business done by them in the execution of their employment." The fact that a table of fees was not given proves that it was to stand upon no positive law or authority. The law merely states that they should receive the same fees as their predecessors, unless they were exorbitant or contrary to an act of parliament.

The fees generally taken by the naval officer at Philadelphia were:

Entering and clearing vessel.....	£1	7s.	0d.
Bill of health if required.....		6	0
Making a bond for enumerated goods.....		5	0
Certificate for cancelling such bond.....		5	0
Certificate for taking naval stores to Great Britain .....		5	0
For Governor's let passes for vessels above 60 tons .....		12	0
For Governor's let passes for vessels under 60 tons .....		10	0 <sup>34</sup>

The fees of the collector and comptroller, the only other officers who received fees, were:

	Collector			Comptroller		
	£	s.	d.	£	s.	d.
Entering and clearing vessels.....	£1	7s.	0d.	£0	9s.	0d.
Bill of health if required.....	0	6	0	0	2	0
Certificate for cancelling bond.....	0	5	0	0	1	0
Register and recording the same.....	0	14	0			
General permit for goods shipped on board in shallop .....	0	2	0			

<sup>34</sup> T., I, 482, 7 Mar., 1771. List of fees.

	Collector			Comptroller		
Port entry .....	£0	5s.	0d.			
Bill of stores .....	0	2	6			
Certificate for Great Britain.....	0	5	0	£0	1s.	8d.
Certificate for naval stores.....	0	5	0			

There is a wide discrepancy in the accounts concerning the officers<sup>35</sup> in the Delaware district and their relations with the traders. John Penn, in transmitting the above lists of fees to John Robinson, a member of the customs board at Boston, remarked, "The collector informs me that the merchants of this port have always cheerfully paid the fees expressed in the list, except that about twelve months ago, a number of them objected to some part of them in which, upon a conference with him on the subject, they afterwards acquiesced and have ever since paid them."<sup>36</sup>

This report indicates harmonious relations between the customs officers and the traders. Nevertheless, it should not be taken too literally. Letters from governors of different provinces show that the home authorities were continually getting word from the merchants that there were many obstructions in the way of customs officers exerting their duties, and yet the governors seemed incapable of assisting them in time to be of any use. Often they reported that they had heard of none in their respective colonies. A correspondence between Lord Hillsborough and the proprietors of Pennsylvania shows to what extent obstructions at Philadelphia were known, or perhaps it would be more accurate to say, reported by the governor of Pennsylvania. Hillsborough wrote on the 19th of July, 1771, to the proprietors of Pennsylvania: "The lord commissioners of His Majesty's treasury have communicated to me several papers, received from the commissioners of customs in America relative to certain outrages committed on their officers, and the neglect of the governor and civil magistrates in giving them assistance and protection, and their lordships have desired that I would take such measures

<sup>35</sup> T., I, 482, 1 Feb., 1771.

<sup>36</sup> C. O., 5:1300, Report of John Penn.

as I shall judge most expedient, to prevent in such governors and civil magistrates the like neglect of their duty for the future.

"From these papers it appears that some of the most violent of these outrages have been committed in the city of Philadelphia, particularly in the months of April and October, 1769, on occasion of lawful seizures made by the officers of the customs, when such seizures were rescued by force and violence, and the officers and those from whom they received information of breaches of the law were treated with the greatest cruelty and inhumanity in the presence of the magistrate who gave them no assistance. It has given me great concern to find such acts of violence and inhumanity in a colony, from which I have received such strong professions of loyalty and duty to the king, and in a city hitherto deservedly commended for the regularity of its government."<sup>37</sup>

When John Penn was informed concerning this letter, he wrote in a very characteristic manner that he regretted extremely these acts of violence, but he assured Hillsborough that the complaints were unfairly represented, that officers had nothing of which to complain, and that the colony was among the first in loyalty to the king. The latter part of his letter is in itself an admission of unsatisfactory trade conditions in the district. He said that it was almost impossible to prevent mob outrages, and that the backwardness of the people to become informers added to the difficulty of prosecuting the leaders.<sup>38</sup>

The affair of October, 1769, may stand on its own merits. Mr. Swift, the collector of Philadelphia, was informed that 39 pipes and 10 quarter casks of Fayal wine had been landed without paying duty. When the informer was discovered, he was tarred and feathered and dragged over stones. The magistrates took no notice of this. In the trial they put the blame on the collector and said that he had been bribed, but the collector denied the charge, and stated that he had told the informer that he would

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<sup>37</sup> C. O., 5:1284, Letter from Lord Hillsborough to the Proprietors of Pennsylvania, 19 July, 1771.

<sup>38</sup> Ibid., Letter of John Penn to Hillsborough, 24 Dec., 1771. Also in C. O., 5:1300.



pay him 10s. per pipe in case the seizure was made. When the people heard this they were incensed and threatened Mr. Swift himself, who, fearing that the king's money might be in danger, turned over to the cashier of the port £1,186 18s. 14*d.* sterling, endorsed by Mr. Meredith, the wealthiest merchant in Philadelphia. Supposing that the facts in this case were true, and there is every probability that they were, several deductions might be drawn from them in the light of the correspondence just mentioned. In the first place, it is evident that there was considerable friction between the customs officials and the people as well as the traders. Secondly, when a case came up which was so obvious that the collector could scarcely let it pass and maintain even the appearance of doing his duty, the results were so painful that there was little incentive to repeat the effort. Duncan Stuart was thoroughly justified when he said, "If I make a seizure the stores are broken open, the goods are taken away, and woe to him that would make a discovery." Thirdly, when such a case came up and outrages were committed, the governor passed over the incident in his reports as of little importance and said that his people were free from any "illegalities" and "offered no obstructions to trade."<sup>39</sup>

A case arose, between 1770 and 1772, which is illustrative of the difficulties experienced by the collectors when they attempted to make seizures.<sup>40</sup> John Hatton was the collector at Salem and Cohenscy in 1770. It was actually known by him that ships were arriving, and that pilot boats were unloading, and secreting contraband goods, before the vessels made a formal entry. Every attempt to make a seizure was met with violence, and he received no assistance from the officers and magistrates, who were themselves helpers, because the people sanctioned the smuggling. On one occasion, the 8th of November, 1770, Hatton seized a pilot boat off Cape May, which was laden with contraband goods from

<sup>39</sup> T., I, 471, 24 Oct., 1769.

<sup>40</sup> The Case of John Hatton. T., 482, Dec. 25, 1770; T., 491, Jan. 17, 1771.

the *Prince of Wales*. While doing this he was violently assaulted by a number of armed men from the *Prince of Wales*, who took the pilot boat out of his possession and robbed and dangerously wounded him, his son, and others on board with him.<sup>41</sup> His slave was taken prisoner and a little later, on land, his son was assaulted a second time, when, in company with the son of John Swift, he was attempting to find the pilot boat.<sup>42</sup> Hatton protested to the governor of New Jersey, and a month later wrote to the commissioners of the customs at Boston that he had been most basely treated while performing his duty. He also said that he was well informed that a set of merchants at Philadelphia had given a considerable amount of money to officers of the province, in order to gain any point they wished, and that they had made the Cape their "staunch store" for contraband goods.

Although the governor issued a proclamation for the arrest of the nine men who were supposed to be involved in the affair, nothing was really accomplished. One of the principal offenders, a man by the name of Hughes, was imprisoned, but, owing to the fact that he was a nephew of one of the justices, he was almost immediately released on bail. On the whole, the proclamation was a very perfunctory proceeding on the part of the governor, who did all he could a little later to injure Hatton in a communication to the board of customs at Boston. On the 10th of April, 1771, he wrote that Hatton had a violent temper, was arrogant, and threatened to make unfavorable reports of officers who did not strictly obey his instructions.<sup>43</sup> He charged him with complicity with the worst smugglers in Philadelphia, saying that no doubt Mr. Hatton would have made no mention of illicit trade if the seamen had offered him money. The governor said that Hatton had been "guilty of unwarranted practices in his office and had given encouragement and assistance to the most noted smugglers to a great detriment of the king's revenues, notwithstanding which you have suffered him to continue in office and have not,

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<sup>41</sup> T., I, 491, 17 Jan., 1771.

<sup>42</sup> T., I, 476.

<sup>43</sup> T., I, 491, 10 April, 1771.

at least as I can learn, even shown any marks of your disapprobation of his conduct. Had I not known that the inspector general, after a strict examination into the matter, had made such a report to you, I should myself have suspended Hatton from acting in his office till further orders from proper authority. But as you were made fully acquainted with his conduct and it was a matter over which you had particular superintendency, I was unwilling to interfere, more especially as I had a right to expect that you would have thought yourself in duty bound after receiving such information to remove him from his office in the customs."<sup>44</sup>

No aid whatever was given in the *Prince of Wales* case by the collectors in the other ports of the district. Mr. Hatton complained that the collector at Burlington, Mr. Read, always interfered with the exercise of his duties. Since Read was one of the three chief justices of the province, for which position he received a salary from the assembly, it was more to his interest to consider the wishes of the people than to perform his duty as collector. The officers at Philadelphia excused themselves by saying that it seemed none of their business, since the vessel had a proper clearance and entry. An entry had been made at Philadelphia on the 10th of November that Brennen and Postlethwaite had shipped 7,188 bushels of white salt and 24 chaldrons of coal from Liverpool to Philadelphia in the *Prince of Wales*.<sup>45</sup>

The case came up again and again. It was discussed in the several courts and ordered out of first one and then another. Mr. Kemper, one of the judges of the civil courts, said that it was a matter of prudence rather than of law as to how far he should proceed. Andrew Allen, the attorney-general of Pennsylvania, decided that the case could not be tried in the ordinary courts except on the grounds of personal injury. In that capacity redress from one or all the offenders could be obtained. He also pointed out difficulties in bringing the case up in the vice-admiralty courts. So far as breaches of the laws of trade were concerned, they could undoubtedly be tried in that court, but only

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<sup>44</sup> *Ibid.*

<sup>45</sup> T., I, 476.



if suit were brought within the year. As it was then the 28th of October, 1771, there was little time before the expiration of the year. As to the damages, he said "The different judges that have for many years past presided in the courts of the vice-admiralty here, who have also been gentlemen of high repute in law, have invariably laid it down as a rule not to determine any suit, which have sounded merely in damages without calling in the assistance of a jury to ascertain the quantum of damages."<sup>46</sup>

The result was that Hatton did not succeed in winning a single point. It is little wonder that few cases came up in these courts, when one so obvious as this, with the facts not disproved, could do nothing more than bring odium upon the collector. In the reform of the vice-admiralty it was expressly stipulated that it should have complete jurisdiction over all matters concerning seizures, and it was contrary to the purpose of the reform that there should be any difficulty in obtaining a hearing. Instead of hearing fewer cases it was supposed to have cognizance over more.

The chief reason for this state of affairs was again the lack of salaries. The officers below the judge in each court were compelled to engage in other pursuits, and thus they were dependent upon the people. This defect was particularly noticeable after the discontent in the colonies became so marked. The officers did not dare to consider cases contrary to the wishes of the people, upon whom they were dependent for their livelihood. Richard Reeves, one of the commissioners at Boston, wrote on the 25th of August, 1772, to John Robinson, a member of the London customs board, concerning the apathetic condition of the vice-admiralty court in the Delaware district. He said that the attorney-general of Pennsylvania had refused to undertake any prosecutions for penalties incurred by persons aiding in the running of goods, and that there was neither solicitor nor advocate general in Philadelphia. In order to explain the position of the attorney-general, he inclosed a letter from the collector of Philadelphia, dated the 7th of the preceding June: "Upon several seizures

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<sup>46</sup> T., I, 471.

lately made here we have frequently applied to the attorney general to prosecute for penalties incurred, and on finding his neglect therein, we thought proper to demand of him a reason, and his direct answer whether or not he would do it, to which he has replied (after taking a long time to consider it) that, as he had no salary from the crown to make him independent, he could by no means undertake any prosecutions of that kind which would injure him greatly in his business as a lawyer, and therefore he must beg leave to decline it. We are informed that all the lawyers here have combined not to undertake any of the like prosecutions. Indeed we have been told, whoever did, would meet a worse fate than ever the informers have done. This being the case, we hope the board will not impute it to any neglect of duty or inattention to their commands that those prosecutions have not been instituted."<sup>47</sup>

This letter is sufficient to show that only a few of the many cases of smuggling ever reached the vice-admiralty court. As an example of their decision upon cases which did come up, that of the sloop *Ruby* may be given. On the 30th of July, 1772, the collector and the comptroller informed the board that they had made a seizure of the *Ruby* from Cape Nicola Mole, for trading without a register. The sloop contained 134 casks of molasses from Hispaniola, worth 16*d.* per gallon, or £999 5*s.* 4*d.* The vessel was navigated chiefly by foreigners and the property itself was foreign. About a month later, the collector and the comptroller issued a writ of delivery for the vessel and goods.<sup>48</sup> As instances of this kind had happened many times, and as such practices (except cases allowed by 14 Chas. II, ch. II, sec. 30) were very detrimental to the revenue and a great discouragement to the officer, it was thought that the case was of prime importance.

The case came up in the court of vice-admiralty and was prosecuted by James Biddle, the deputy judge of the court. The verdict went against the officers of the customs, and the sloop with

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<sup>47</sup> T., I, 491, Letter of Richard Reeves to John Robinson, 25 Aug., 1772 with enclosure.

<sup>48</sup> *Ibid.*, Letter of Richard Reeves. 17 Sept., 1772.

her cargo was returned to the owner, Emmanuel Roderick. The collector and the comptroller objected strenuously to the decision but with no avail. This Emmanuel Roderick claimed to be a resident of Rhode Island, but it could not be proved that he had been naturalized. He said that he took a cargo to Hispaniola in a vessel called the *Hopestill*, which was entirely owned by him, was English manned, and was built in Rhode Island. In return for the cargo he purchased from this island 134 casks of molasses. Before his return he discovered at the port of Limberg in the same island that his vessel would not stand a return voyage. He then sold it much to his loss, and waited for an English vessel, but as no English vessel came and he was afraid that his molasses would spoil, he finally bought the sloop *Ruby* which had been built and registered in Virginia, although the register was lost. As many of his seamen had left the island, only the master and a few negroes being left, and as no Englishmen were available, he was obliged to man the sloop with foreigners. He had no intention of smuggling, but meant to explain all of this at Philadelphia, obtain a new register for the sloop, and pay the duty on foreign molasses.<sup>49</sup>

Roderick's defense is plausible, but extremely improbable. At a time when almost every other man was a smuggler or interested in smuggling, it would be necessary to prove more conclusively every part of his story than to have his oath. He knew what risks were involved and should have been willing to suffer the consequences. If such instances were allowed to go unpunished, it was impossible to put any effective check upon illicit trade. The case is particularly suspicious in that the vessel came from Hispaniola. This island, especially Cape Nicola Mole, was, as in the earlier period, a notorious smuggling center. Almost every vessel, which went to Jamaica laden with provisions and lumber, cleared for Cape Nicola Mole to purchase a cargo of sugar, coffee and molasses, with the money which they received from the Jamaica merchants. It was also one of the bases for European

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<sup>49</sup> T., I, 491, 10 Aug., Claim and Answer of Emmanuel Roderick.



manufactured goods during the time when merchants were attempting to do without manufactures imported *via* England.<sup>50</sup>

In fact, in every route the regulations and laws were increasingly disregarded. Trade continued, as before, to follow the natural channel, and for all practical purposes this district enjoyed free trade. This condition of affairs was clearly brought out in a report on a bill for regulating the trade in North America in 1773. It was urged that greater care should be taken to compel owners of provincial built ships to register them, to compel vessels to be brought into port for examination and to require greater discrimination in seizures on the part of the officers, so that the fair trader would not be discouraged. In the latter part of the report, however, which stated the grievances of the officers, the reasons why the trade legislation had been such a failure are fully explained. The officers complained, (1) that the heavy charges of the provincial courts of the admiralty kept many cases from being tried, the expense of prosecution of petty seizures often being a greater charge than the goods; (2) that combination among the people prevented the sale of goods which were seized, in order that the smuggler could buy them in again at a low rate; (3) that there were very few crown lawyers in some ports, and that little assistance was given by those who were there, because they had no salaries.

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<sup>50</sup> C. O., 5:119, 6 May, 1773, Letter from G. B. Rodney to Phillip Stephens.

## CONCLUSION

There is little doubt that the legislation which has been discussed was an economic necessity from the point of view of the empire, but it is equally true that it was economically untenable in the Delaware district. As has been pointed out, the trade of this district depended upon circuitous routes which were practically forbidden by the "enumerated policy." In order to carry on trade with any advantage after the enactment of the legislation, the merchants and traders were compelled to resort to illegal methods on a much larger scale than ever before. This was, however, not a protest against protection *per se*, because the district itself was committed to that principle. It was merely a protest against this particular form of imperial protection. As the political controversies superseded the economic, illicit trade was condoned by all except the few appointees who were financially interested in enforcing the law. The result was that the authority of the vice-admiralty courts and custom houses of the district was completely nullified, and such conditions of free trade existed as to make the period for the individual traders more prosperous than any previous one. On the other hand, the British government had expended large sums to reorganize the protective system with the expectation of increasing the revenue by more adequate restrictions. When, therefore, the regulations became ineffectual through illicit trade, the government's loss of revenue was tremendous, and the increased expenditure for equipment proved to be a worthless experiment. Compelled to yield one point after another, the government finally realized that it would have to abandon the protective policy altogether, or enforce its laws by militant methods.

## BIBLIOGRAPHY

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### MANUSCRIPTS

- A. Public Record Office, London, England.
  - I. Admiralty Office Papers.
    - a. Class I. In Letters.
      - 1. Letters from the British Consuls, Bundle 3837.
      - 2. Letters from the Custom House, Bundle 3866.
    - b. Class II. Out Letters.
      - 1. Letters relating to the Admiralty and Vice-Admiralty courts, Bundle 1057.
  - II. Audit Office Papers.
    - a. Accounts Various, Bundle 1391.
- III. Chatham Papers, Bundles 97 and 343.
- VI. Colonial Office Papers.
  - a. Class V. Original Documents, Bundles 38:67; 112:-221:511; 573; 710; 851; 1133; 1228\*; 1233\*; 1263\*; 1265\*-1268\*; 1270\*; 1273\*; 1275\*; 1277\*; 1280\*; 1284\*; 1288\*-1292; 1299\*; 1300\*; 1499\*.
  - b. Class XXXIII. Shipping Returns from Barbadoes, Bundle 17.
  - c. Class LXXVI. Shipping Returns from Dominica, Bundle 4.
  - d. Class CXLII. Shipping Returns from Jamaica, Bundle 19.
  - e. Class CCCXC. Board of Trade Commercial 1688-1792, Bundle 5.
  - f. Class CCCXC. Board of Trade Journal, Bundle 10.
- V. Custom House Papers.
  - a. Custom House Series.
    - 1. Accounts.
      - (a) Ledger of Imports and Exports, 1764-1765.
    - b. Custom House Miscellanea, 16.
- VI. Domestic State Papers.
  - a. Entry Book Classified, Book 140.
- VII. Pipe Office Papers.
  - a. Declared Accounts.
    - 1. Customs, 1765-1770. Rolls, 1264-1265.
- VIII. Treasury Board Papers.
  - a. Class I. In Letters. Original Correspondence, Bundles, 351; 399; 400; 451; 462; 463; 471; 476; 482; 491.

---

\* Some of the references to these bundles were among the extracts made by Mr. G. L. Beer.



- b. Class II. Out Letters.
    - 1. Customs, Vols. 27, 28.
    - 2. Various XVIII, Vol. I.
  - c. Class VII. Miscellanea Various—Shipping Returns, Bundle 45.
- IX. Treasury Solicitor Papers.
  - a. State of the question between the Treasury and the East India Company respecting the tea-duties, Bundle 3321.
- B. Custom House, London.
  - I. Custom House Establishment Books, Sept. 8, 1767, Jan. 5, 1776. 29 Vols.
- C. House of Lords, London.
  - I. House of Lords Mss. Collection dated 1763-1775.
- D. British Museum, London.
  - I. Additional Mss. 15,484, 33,030 and 37,021.
- E. Friends Reference Library, London.
  - I. Collection of Mss. 4—Letters to and from Philadelphia, 1757.
- F. Pennsylvania Historical Society, Philadelphia, Pennsylvania.
  - I. Custom House Papers, 1704-1713.
  - II. Society of Collection—Letters of Merchants.
  - III. Penn. Letter Book IX.
  - IV. Penn. Mss., Vol. X.
  - V. Pennsylvania Historical Society Mss.

## PRINTED SOURCES

- A. Records.
  - I. Charter of William Penn and Laws of the Province of Pennsylvania from 1682-1700. Published by J. B. Linn, Harrisburg, Pennsylvania, 1879.
  - II. Colonial Records of Pennsylvania.
    - 16 Vols. ed. by Samuel Hazard, Philadelphia, 1852.
  - III. Documents relative to the Colonial History of New York, VII.
    - 11 Vols. ed. by E. B. O'Callaghan, Albany, New York, 1856.
  - IV. Pennsylvania Archives.
    - 1st Series. 12 Vols. ed. by Samuel Hazard, Philadelphia, 1852-1907.
    - 2d Series. 19 Vols. ed. by W. H. Egle and J. B. Linn, Harrisburg, 1874-93.
    - 3d Series. 30 Vols. ed. by W. H. Egle and G. E. Read, 1897-1898.
    - 4th Series. 12 Vols. ed. by G. E. Read, Harrisburg, Pa., 1900.
  - V. Statutes of the Realm to 1713.
    - 12 Vols. London, 1810-1828.
  - VI. (British) Statutes at Large.
    - 109 Vols. ed. by Danby Pickering, London, 1762.

- VII. Statutes of Pennsylvania at Large.  
14 Vols. ed. by J. T. Mitchell and Henry Flanders, Harrisburg, Pa., 1896-1910.

- VIII. Votes and Proceedings of the House of Representatives of Pennsylvania, Vol. III.  
6 Vols. Philadelphia, 1752-1776.

B. General Works.

- I. Chalmers, George, Introduction to the Revolt of the Colonies.  
2 Vols. Boston, 1845.
- II. De Bow, J. D. B., The Industrial Review of the Southern and Western States.  
3 Vols. New Orleans, 1852-3.
- III. Ford, P. L., Writings of John Dickinson. (The Historical Society of Pennsylvania Memoirs. Vol. XIV.) Philadelphia, 1895.
- IV. Macpherson, David, Annals of Commerce, Manufactures, Fisheries, and Navigation, with brief notices of the arts and sciences connected with them.  
3 Vols. London, 1805.
- V. Pitkins, Timothy, A Statistical View of the Commerce of the United States of America.  
New York, 1817.
- VI. Smyth, A. H. (Editor), Writings of Benjamin Franklin.  
10 Vols. New York, 1905.

C. Pamphlets.\*

- I. Bernard, Governor, Select Letters on the Trade and Government of America. Boston, 1774.
- II. Pownall, Thomas, Administration of the Colonies. London, 1768.
- III. Smith, William, A Brief State of the Province of Pennsylvania in 1755. New York, 1764.
- IV. Anonymous, Observations of the Merchants at Boston on the Several Acts of Parliament respecting American Commerce and Revenue. Boston, 1770.

D. Newspapers and Magazines.

- I. The Annual Register. Vol. VIII.  
158 Vols. London, 1758-1914.
- II. Pennsylvania Magazine of History. Vol. IV.  
Edited by the Historical Society of Pennsylvania.  
38 Vols. Philadelphia, 1877-1914.
- III. Pennsylvania Gazette.  
Edited by Benjamin Franklin, Philadelphia, 1729-1766.

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\* A splendid collection of pamphlets may be found in All Souls Library, Oxford, England, where there are thirteen volumes of the most important pamphlets written between 1760-1776.

- IV. Broad­sides. (Historical Society of Pennsylvania.)  
A. B. I., No. 129.

## SECONDARY WORKS

## A. General Histories.

- I. Hanna, C. A., *The Wilderness Trail*. 2 Vols. New York, 1911.
- II. Madison, James, *Letters and Other Writings*. New York, 1889.
- III. Osgood, Herbert L., *The American Colonies in the Seventeenth Century*. 3 Vols. New York, 1904-7.
- IV. Rossiter, William, *A Century of Population*. Philadelphia, 1894.
- V. Swank, James Moore, *History of the Manufacture of Iron in all Ages and particularly in the United States from Colonial Times to 1891*. Philadelphia, 1892.

## B. Monographs.

- I. Bagnall, W. R., *The Textile Industries of the United States*. 2 Vols. Cambridge, 1893.
- II. Bean, Theodore W., *History of Montgomery County*. Philadelphia, 1884.
- III. Beer, G. L.,
  - a. *The Commercial Policy of England towards the American Colonies*.  
Columbia University Studies III, No. 2.
  - b. *British Colonial Policy, 1754-1765*.  
New York, 1907.
  - c. *The Origins of the British Colonial System, 1578-1660*.  
New York, 1908.
  - d. *The Old Colonial System. Part I*.  
2 Vols. New York, 1912.
- IV. Bishop, J. L., *A History of American Manufactures from 1608-1860*.  
2 Vols. Philadelphia, 1861-1864.
- V. Giesecke, A. A., *American Commercial Legislation before 1789*.  
Philadelphia, 1910.
- VI. Goss, John Dean, *The First Stages of the Tariff Policy of the United States from Colonial Times to the McKinley Administration Bill*.  
Columbia University Studies in History, Economics and Politics. Vol. I., No. 2. New York, 1891.
- VII. Lincoln, C. H., *The Revolutionary Movement in Pennsylvania*. University of Pennsylvania. Philadelphia, 1901.
- VIII. Lord, E. L., *Industrial Experiments in the British Colonies of North America*. (Johns Hopkins University Press.) Baltimore, 1898.

## C. Articles.

- I. Andrews, C. M., *Colonial Commerce*. (The American Historical Review, Vol. XX, pp. 43-63.) New York, 1915.



- II. Farrand, M., The Taxation of Tea, 1767-1773. (The American Historical Review, Vol. III, pp. 266-269). New York, 1898.
- III. Fisher, W. C., American Trade Regulations before 1789. (Papers of the American Historical Association, Vol. III, pp. 223-249.) New York, 1889.
- IV. Smith, W. R., Sectionalism in Pennsylvania during the Revolution. (Political Science Quarterly, Vol. XXIV, pp. 208-235.) New York.
- V. Taylor, Thomas B., The Philadelphia Counterpart of the Boston Tea Party. (Friends' Historical Society Bulletins Nos. 2 and 3.) Philadelphia, 1913.
- VI. Morriss, U. S., Colonial Trade of Maryland, 1689-1715. (Johns Hopkins University Studies, Series XXXII.) Baltimore, 1914.
- VII. Root, W. T., The Relations of Pennsylvania with the British Government, 1696-1765. Philadelphia, 1912.

## MAPS

- A. Eshleman, H. Frank, Map of the Earliest Highways leading from the Delaware and Schuylkill Rivers to the Susquehannah River and its branches. Lancaster, Pa., 1907.
- B. Schull, Nicholas, Map of Pennsylvania, 1759. Pennsylvania Archives, 3rd Series, App. I-IX.
- C. Scull, William, Map of Pennsylvania, 1770. *Ibid.*

## CALENDARS

- A. Andrews, C. M., and Davenport, Frances G., Guide to the Manuscript Materials for the History of the United States to 1783, in the British Museum, in Minor London Archives, and in the Libraries of Oxford and Cambridge. Washington, D. C., 1908.
- B. Andrews, C. M., Guide to the Materials for American History to 1783 in the Public Record Office of Great Britain. 2 Vols. Washington, D. C., 1912-1914.

# APPENDICES

## APPENDIX I

An account of goods and merchandise imported into England from Pennsylvania from Christmas 1699 to Christmas 1700.\*

	Quantity			Customs		
	Cwt.	Quarter	Lbs.			
Grocery—						
Ginger dry .....	2	..	..	£0	13s.	0d.
Molasses .....	177	..	..			
Rice .....	7	1	13	11	4	2
Sugar Brown .....	4	3	5		13	7
Indigo .....	..	..	130	1	6	7
Skins—						
Bear, black .....	..	..	452	64	2	7
Beaver .....	..	..	121	5	14	5
Buck in hair .....	..	..	516	9	3	1
Cat .....	..	..	826	2	6	10
Elk .....	..	..	14		19	11
Fisher .....	..	..	96	3	8	1
Fox .....	..	..	1322	12	10	4½
Mink .....	..	..	783	8	6	8
Musquash .....	..	..	2163	7	13	5
Otter .....	..	..	116	3	2	3
Raccoon .....	..	..	4721	16	4	6
Wolf .....	..	..	173	26	4	6
Braziletto .....	5	..	..			
Tobacco .....	..	..	64,791	1414	6	6
Whale fins .....	5	..	..	7	3	1½
At Value—						
Cow horns .....	..	..	..		7	4½
Buck skins .....	..	..	..	9	16	9½

\* C. O. 5:1291. This list was signed, Walter Cox.

## APPENDIX II

EXPORTS FROM PENNSYLVANIA TO LONDON IN ENGLISH SHIPS, 1764-1765\*

Merchandise	Amount				Estimated first cost or value		
	Tons	Cwt.	Lbs.				
Ashes Pott.....	..	..	7,989	At 3d. lb.	£99	17s.	3d.
Copper Ore....	..	113	3 24	At 2/6 cwt.	14	4	9
Castoreum ....	..	..	11	At 4-6s. lb.	2	15	
Cort'x Elutheria ..	..	25	2 27	At 28-32s. lb.	38	12	6
Winteranus ...	..	..	8,980	At 2-3d. lb.	93	10	10
Gum Copal....	..	..	393	At 9-11d. lb	24	10	2

\* Customs, III, 65.

Merchandise	Amount				Estimated first cost or value		
	Tons	Cwt.	Lbs.				
Oyl Chymical..	..	..	203	At 4-6s. lb.	50	15	
Sassafras .....	..	..	19	At 6-8s. cwt.		1	2
Rad. Serp'ntaria	..	..	130	At 2-3s. lb.	16	5	
Sarsaparilla ...	..	..	150	At 11-13d. lb.	7	10	
Sperma Cati...	..	50	..	At 5-8£ 10d. cwt.	7	0	0
Sassafras .....	..	2	..	At 6-8s. cwt.		14	
Turpentine ...	..	875	2 10	At 9-11s. cwt.	437	15	11
Elephants Teeth	..	3	1 2	At 4/10-7£ cwt.	18	15	9
Groc. Pimento.	..	..	1,479	At 5-7d. lb.	36	19	6
Rice .....	..	1171	3 21	At 14-18s. cwt.	937	11	
Indigo .....	..	..	2,500	At 12-18d. lb.	156	5	
Iron Bar .....	54	19	2 9	At 9/10-10£ 10s. ton			
Pig Iron.....	170	17	8	At 18-22s. ton	170	17	1
Oil Train.....	94	2	32 gals.	At 11-13£ ton	1,135	10	4
Pitch and Tar..	210	lasts	7 bbls.	At 8-10£ last	1,895	5	0
Rozin .....	..	12	2	At 8-10s. cwt.	5	12	16
Skins:							
Bear, Black..	1,178	No.		At 6-7d.	36	16	3
Beaver .....	81			At 3-4s.	14	3	6
Pelts .....	1,382			At 20-40s. 100 No.			
Buck, deer hair	10,397			At 2-3s.	1,299	12	6
Calabor .....					3	1	8
Cat .....	1,480	Nos.		At 2	12	6	8
Coney .....	14			At 10-14d. Doz.		14	
Deer .....	208	lb.		At 12-18	13		
Elk .....	77	No.		At 6-7s.	25	0	6
Fisher .....	252			At 6-8d.	7	7	0
Fox, Ord'y ..	1,802			At 14-6d.	112	12	6
Martin .....	143			At 7-9d.	4	15	4
Mink .....	10,848			At 20-21d.	994	8	0
Musquash ...	9,258			At 5-7d.	231	9	0
Otter .....	2,439			At 3-4s.	426	16	6
Panther .....	2			At 20s.	2	0	0
Raccoon ....	2,428			At 5-7d.	60	14	0
Wolf .....	81			At 4-6	20	5	0
Spirits, Rum..	2,894	Gals.		At 20d. Gall.	241	3	4
Sturgeon .....	214	Kegs		At 3-4s. Keg	37	9	0
Wax, Bees ....	180	cwt. 1 gr. 4 et.		At 45-55s. cwt.	450	18	9
Whale Fins....	5	cwt. 3 gr. 12 et.		At 7-9£ cwt.	46	17	1
Wine, Madeira	64	tons 3:11		At 19-23£ Ton	1,360	13	4
Boat Boards...	13,000	Feet		At 1d.	54	3	4
Brazielletto ...	3	Tons		At 6-8£ Ton	21		
Cedar Planks..	35	No.		At 5s.	8	15	
Fustick .....	94	Tons		At 8-10£ Ton	846		
Oak Planks....	65,000	Feet		At 2d.	541	13	4
Logwood .....	184	Tons		At 10-14£	2,220		
Mahogany ....	5	Tons		At 7-9£	40		
" Plank	509	No.		At 20s.	509		
Pine Boards ..	6	No.		At 30s.	9		
Walnut .....	305	Logs		At 20s.	305		



Merchandise	Amount Tons Cwt. Qtr. Lbs.	Estimated first cost or value		
Pipe .....	306:3:15 No.	At 14-16s.	430	3 1
Staves .....	306 cwt. 3 gr. 15 No.	At 16-8s.	107	8 1
Pink Roots ....	83 lbs.		7	5 3
Sails made ....	48 Ells		3	
Total.....			16,042	4 1

## APPENDIX III

## IMPORTS TO PENNSYLVANIA FROM LONDON, 1764-1765\*

Eng. Manufacture	Amount	Cost	Amount of the value		
Allom .....	17 cwt.	At 21s. cwt.	£17	17s.	0d.
Apoth. Ware ....	417 cwt.	At 40s. cwt.	834	0	0
Apparel Parcels..	11 No.	At 20s.	11	0	0
Bags .....	217 doz.	At 5-7s. doz.	65	2	0
Beer .....	8 tons 3 hhds. 9 gal.	At 4-6£ Ton	43	18	6
Books .....	119 cwt. 1qr. 0 lb.	At 3-5£ cwt.	477	0	0
Brass Wrought ..	393 cwt. 0 qr. 20 lb.	At 4-5£ cwt.	1,769	6	0
Bridles .....	1 doz.	At 8-14s. doz.		11	0
Cards new Wool.	362 (895 doz.)	At 7-12s. doz	171	19	
Cards playing ...	39 cwt. 3 qr. 0	At 20-25s. cwt.	44	14	4
Chariots .....	5 No.	At 15-25£	100	0	0
Cheese .....	158 cwt. 0 qr. 0	At 20-28s. cwt.	189	12	
Coals .....	63	At 22-26s. cwt.	75	12	
Coffer Wrought..	247 cwt. 2 qr. 0	At 5-5-12 cwt.	1,311	15	
Cordage .....	1,540:0:0	At 20-26s. cwt.	1,771		
Fustians .....	40 no.	At 20s. per no.	40		
Gartering Crewel.	50 Gross	At 10s. gross.	25		
Glass .....	67,125 no.	At 5,100 per no.	167	16	3
Glass Green ....	155 cwt. 0 qr. 5 lb.	At 10s. per cwt.	77	10	5
Glass W. Flint...	49 cwt. 2 qr. 221 lb.	At 20s. per cwt.	49	13	10
Glass Windows ..	13 chests	At 14-25s. chest.	13	0	0
Gloves, leather ..	3,828 doz.	At 4-8s. doz.	1,148	8	
Grindlestones ...	40	At 25-35s.	60		
Gunpowder .....	297 cwt. 2 qr. 5	At 3-3£ 15 cwt.	1,064	4	2
Haberdashery ...	2,575 cwt. 1 qr. 0	At 40s. cwt.	5,150	10	
Harness, Coaches.	3 pairs n.	At 40-60s. pair	7	10	
Hats:					
Beavers, Castors	403 doz.	At 3-5£ doz.	1,612		
Felt .....	1,293 3/4 doz.	At 20-25s. doz.	1,455	18	4
Chip. ....	140 doz.	At 4-6s. doz.	35	0	0
Straw .....	40 doz.	At 3-4/6 doz.	7	10	
Hempseed .....	12 1/2 qr.	At 20s. qr.	12	10	
Iron Nails .....	99 cwt.	At 30-40s. cwt.	1,573	5	
Iron Wrought ...	3,354 tons, 1 cwt., 22 qr.	At 2/10-3£ cwt.	9,224	14	6
Lead and Shot...	61 ton 4 cwt. 2qr. 0	At 10-11 per ton	642	17	3
Leather Wrought.	7,694 lbs.	At 2-2/6s. lb.	865	11	6
Linen: .....	9,848 no.	At 30-40	17,234		

\* Customs, III, 65.

Eng. Manufacture	Amount	Cost	Amount of the value		
British .....	52,845 yds.	At 6-18 yds.	2,642	5	
Irish .....	204,601 yds.	At 6-18 <i>d.</i> yd.	10,230	1	0
Sail .....	12,780 Ells	At 12 <i>s.</i>	639	0	0
Lithrage of lead.	45 cwt. 2:0	At 7-11 cwt.	20	9	6
Pewter .....	826 cwt.	At 3-4 <i>£</i> cwt.	2,891	0	0
Pictures or Prints	18 cwt. 2 qr.	At 25-30 cwt.	27	15	
Saddles, Great...	12 No.	At 30-40 <i>s.</i>	21		
Saddles, Small ..	12 No.	At 13-17 <i>s.</i>	9		
Shovels Shod ....	30 doz.	At 11-13 <i>s.</i> lbs.	18		
Silk in pieces ....	7,541 lbs. 1 oz.	At 30-40 <i>s.</i> lb.	13,196	17	2
Silk Stitch, Sew'g	2,521 lbs., 9 oz.	At 30-40 <i>s.</i> lb.	4,412	14	
Steel .....	700 cwt.	At 27-30 cwt.	997	10	
Tobacco pipes ...	338 Gross	At 12 <i>d.</i> gross.	16	18	
Vetures, Double..	96 no.	At 25-30 <i>s.</i>	49	10	
Watches, Silver..	12 No.	At 2:10-5 <i>£</i>	45	0	0
Clothes and Bags.	1,070 no.	At 3-4 <i>£</i>	4,012	10	
Double .....					
Minikins .....	816	At 7-8 <i>£</i> 10 <i>s.</i> no.	6,324	0	0
Single .....	1,020	At 34-35 <i>s.</i> no.	2,014	10	
Long .....	4	At 7-10 <i>£</i>	23	5	
Remnants .....	100	At 18-24 <i>d.</i> lb.	8	15	
Short .....	1,114 no.	At 10-13 <i>£</i> no.	12,811	0	0
Spanish .....	572	At 4-6 <i>£</i>	2,860		
Cottons .....	920	At 5-18 <i>£</i> 100 goods	54	5	7
Welch plains ....	1,500 (4,100)	At 5-6 <i>£</i> 100 goods	27	10	0
Flannel .....	62,400 Yards	At 8-18 <i>d.</i> yd.	3,380		
Frize .....	1,700 (2,000)	At 20-30 <i>d.</i> yd.	117	1	8
Kersies .....	205 no.	At 20-50 <i>s.</i>	358	15	
Perfits and Serges	440 lbs.	At 3-3/6 <i>s.</i> lb.	71	10	
Stock'g for child'n	10 doz.	At 4-14 <i>s.</i> doz.	4	10	
Stock'g for men..	6,722 doz.	At 24-44 <i>s.</i> doz.	11,427	8	
Stuffs .....	293,140 lbs.	At 2-3 <i>s.</i> lb.	36,642	10	
Stuff, Silk (Inde)	581 lbs., 9 oz.	At 2 <i>s.</i> 3/6 lb.	79	19	3
Stuff, Silk worst.	4,474 lbs., 5 oz.	At 2-3 <i>s.</i> 6 <i>d.</i> lb.	615	4	4
Cabinet ware ....			10		
Colours, painters.			100		
Cottons, Linens ..	46,301 sq. yds.		10,417		
Goods, several ...			46,102		
Plate Wrought ..	600 oz.		200		
Plate Glass White	26 cwt. 0:7		720		
Stationery .....			423	18	
Toys .....			34		

# APPENDIX IV

## PENNSYLVANIA IMPORTS AND EXPORTS, 1702-1763

Value of British Goods, Wares and Merchandise Imported into Pa.				Value of Foreign Goods, Wares and Merchandise imported into Pa.				Total Value Imports into Pa.			Value of Exports from Pa.		
								£2,997	0s.	0d.	£3,347	0s.	0d.
1702													
1707								9,342	0	0	4,145	0	0
1712								14,365	0	0	786	0	0
1717								8,464	0	0	1,471	0	0
1722								22,505	0	0	4,499	0	0
1727								26,397	0	0	6,882	0	0
1732								31,979	0	0	12,823	0	0
1732								41,698	0	0	8,524	0	0
1737								56,690	0	0	15,198	0	0*
1740	£46,471	12s.	9d.	£10,280	2s.	0d.		56,751	14	9	15,048	12	0
1741	78,032	13	1	12,977	18	10		91,070	11	11	17,158	0	8
1742	60,836	17	1	14,458	5	3		75,295	3	4	8,527	12	8
1743	60,120	4	10	19,220	1	6		79,340	6	4	9,596	3	6
1744	47,595	18	2	14,618	8	4		62,214	6	6	7,446	7	1
1745	41,237	2	3	13,043	8	8		54,280	10	11	10,130	9	2
1746	55,595	19	7	18,103	12	7		73,699	12	7	15,779	7	4
1747	73,819	2	8	8,585	14	11		82,404	17	1	3,832	3	3
1748	55,039	3	6	20,291	1	4		75,330	5	9	12,363	14	2
1749	191,833	0	6	46,804	2	4		238,637	2	10	14,944	8	0
1750	156,945	7	10	60,767	13	0		217,713	10	0	28,191	0	0
1751	129,503	17	1	61,413	8	0		190,917	5	1	23,870	19	10
1752	123,872	14	0	79,794	5	11		201,666	19	11	29,978	8	3
1753	182,355	2	7	63,289	11	4		245,644	13	11	38,527	12	5
1754	188,981	5	6	55,666	9	2		244,647	14	8	30,649	16	10
1755	108,579	5	7	35,877	1	7		144,456	7	2	32,336	10	6
1756	159,222	10	6	40,947	9	3		200,167	19	9	20,095	14	7
1757	206,857	12	0	61,568	14	6		268,426	6	6	14,190	0	9
1758	194,745	16	9	66,207	14	4		260,953	11	1	21,383	14	10
1759	420,271	18	6	77,889	6	9		498,161	5	3	22,404	13	1
1760	606,054	9	4	101,944	2	8		707,988	12	0	22,754	15	3
1761	172,698	14	11	31,368	7	4		204,067	2	3	39,170	0	0
1762	181,053	4	0	25,146	14	8		206,199	18	8	38,091	2	2
1763	233,012	9	6	51,140	6	6		284,152	16	0	38,228	10	2
1764	359,934	0	2	75,257	3	10		435,191	14	0	36,258	18	1
1765	283,514	3	2	79,854	15	2		363,368	17	5	25,148	10	10
1766	258,467	17	8	68,846	7	7		327,314	5	3	26,851	3	1
1767	301,048	9	3	70,781	19	7		375,830	8	10	37,641	17	10
1768	331,050	6	0	101,057	11	4		432,107	17	4	59,406	8	5
1769	147,345	14	1	52,564	3	10		199,909	17	11	26,111	11	4
1770	110,121	14	3	24,760	1	2		134,881	15	5	28,109	5	11
1771	590,723	13	2	138,021	6	8		728,744	19	10	31,615	9	9
1772	438,348	4	7	69,561	9	5		507,909	14	0	29,133	12	3
1773	252,186	16	3	101,760	13	4		426,448	17	3	36,652	8	9†

\* B. T. Commercial Series 414. (Old number).

† H. of L. Mss., Extract from a table of exports and imports of England with the North American Colonies.





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# SMITH COLLEGE STUDIES IN HISTORY

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JOHN SPENCER BASSETT  
SIDNEY BRADSHAW FAY  
EDITORS

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VOLUME III  
OCTOBER, 1917, TO JULY, 1918

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NORTHAMPTON, MASS.

Published Quarterly by the Department of History of Smith College

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VOL. III, No. 1

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# Smith College Studies in History

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JOHN SPENCER BASSETT  
SIDNEY BRADSHAW FAY

*Editors*

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## JOSEPH HAWLEY'S CRITICISM OF THE CONSTITUTION OF MASSACHUSETTS

*Edited by* MARY CATHERINE CLUNE

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## Joseph Hawley's Criticism of the Constitution of Massachusetts

Now that the Commonwealth of Massachusetts is endeavoring to acquire a new constitution in the place of the one which has served so long and well, it may not be amiss to review the criticism of this time-honored document, made by one of the ablest men of this state, one hundred and thirty-seven years ago, when the constitution was offered to the people for adoption or rejection. A friend of Samuel and John Adams, prevented by the infirmities of illness and approaching age from taking an active part in the constitutional convention, nevertheless from his home in the western part of the state, Major Hawley watched with great interest the progress of the convention. When the critical hour came, he regained for a time the mental vigor of his pre-revolutionary days and was as active as anyone in attempting to secure for his native state an instrument to be pointed at with pride throughout the succeeding century. As one of the leading lawyers of the colonies, he added to a familiarity with the views of Locke and the other political theorists of the eighteenth century, which he possessed in common with many of his fellow citizens, a knowledge of English political institutions and the laws of government, unsurpassed in America. In the events leading to the American Revolution, this stalwart champion of the peoples' rights, was the pillar of the Revolutionary party in western Massachusetts. His influence was paramount even in Boston, where for nearly twenty years his voice was heard in the General Court and the Provincial Congress. His proved disinterestedness and unquestioned integrity continued to make him a leader even after he had retired to private life in his native town.

Graduating from Yale in 1742, Hawley devoted himself to the study of law. Almost as soon as he opened his own office he began to take an active part in the affairs of his native town, Northampton. The well known fact that he never advocated any cause unless convinced of its justice, gained for him the respect

and admiration of the whole county. His reputation was so well established, that juries listened to him readily and gave great weight to his assertions. The vigor with which he conducted the defense of some Hampshire County rioters indicted for resisting the Stamp Act, and the severity of his strictures upon the opinions advanced by the Court led to his dismissal from the bar for the remainder of that court session, but they did not lessen the esteem of Chief-Justice Hutchinson for his critic. The high opinion of Hawley expressed throughout Hutchinson's "History" is remarkable, in view of the fact that the Hampshire patriot more than once by his superior knowledge of the law was able to turn the judge's own statements against him and to place him, when governor of the colony, in an awkward position.

The statement made by Hawley in the General Court, in 1766, that he knew not how the Parliament of Great Britain had acquired the right to legislate for us, attracted wide attention. James Otis immediately arose and complimented the speaker; Governor Bernard reported it in his next letter to Lord Shelburne,<sup>1</sup> and Hutchinson referred to it when he addressed the two Houses<sup>2</sup> (Jan. 6, 1773), as well as in his "History of Massachusetts Bay."<sup>3</sup> It was by Hawley's motion, that the pardon and indemnity clause was included in the Compensation Act, so that the same act of the legislature which provided for the compensation of the sufferers in the Stamp Act riots, brought pardon and oblivion to the offenders, which of course, included those Hampshire rioters, the defense of whom had brought about Hawley's disbarment. Hawley and Hutchinson had a further discussion of riots when the Lieutenant-Governor laid before the House a report which he had received concerning a very disorderly and riotous transaction at Gloucester; and a committee, of which Hawley was a member, replied that when riots "arise from oppression, as is frequently the case, a thorough redress of griev-

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<sup>1</sup> Dec. 24, 1766.

<sup>2</sup> Mass. State Papers, 337.

<sup>3</sup> III, 264.



ances will remove the cause, and probably, put an end to the complaint."

In 1773 Hawley was elected a member of the committee of correspondence. About the same time he was appointed chairman of the committee to make the House fully possessed of the Franklin letters. It was he who reported to the House, that the gentleman from whom the letters were received, gave his consent to their publication. He was known to Franklin as a staunch supporter of his conduct throughout the whole affair. He was vice-president of the third Provincial Congress as well as chairman of the committee which sat in the recess of the Congress.

Hawley was one of the first to realize that the colonies must fight to gain their independence, but he was extremely desirous that hostilities should not be begun until a successful issue was presented. After Concord and Lexington he could not restrain his impatience with the tardiness of Congress to declare the independence of the colonies. He wrote to Samuel Adams, at Philadelphia, "that the continent will never act compactly and with vigor," that the Tories would never lose hope, or the trade and commerce of the colonies ever have a secure footing until that step was taken.

There appeared in *The Hampshire Gazette*, October 2, 1833, shortly before the amendment of the third article of the Constitution of Massachusetts was submitted to the people, a letter calling attention to the work of Joseph Hawley, from which the following paragraph is taken: "The extraordinary and unequalled influence of Hawley in forming public opinion for the struggle with Great Britain has been generally acknowledged: it is not so well known, that on every topic of discussion, his voice was invariably raised, as in defence of the bereaved and oppressed, so also in favor of everything that could advance civil or religious freedom. He had the true instinct of liberty and while he rejected public honors, was the inflexible and eloquent advocate of the rights of the people."

Shortly before independence was declared Congress recommended the several states to form governments for themselves.

Massachusetts was the first to avail itself of this suggestion and adopted a form of government closely adhering to the letter of its charter, with the council as the legal successor to the executive power of the governor. The next consideration was the legislature's preparation of a constitution. The matter had been voted upon in the town meetings of the autumn of 1776, but the following year it was disavowed by the people. In February, 1779, the legislature asked for the sense of the qualified voters regarding a new constitution and whether they would empower their representatives to call a convention for the sole purpose of framing one. A large majority of the inhabitants of the towns voted in the affirmative on both questions and elected delegates to the convention. It was expressly provided that every freeman twenty-one years of age, should have the right to vote for the delegates, hence as Morison points out, the Constitutional Convention rested on a wider electorate than the existing state government; for a property qualification was at this time required for voting for representatives. At the same time, the resolve of the General Court recommended the inhabitants to instruct their delegates to submit whatever form of government the convention should agree upon, to that same electorate assembled in town meetings, in order that the several towns and plantations might consider and approve or disapprove it. The General Court also recommended the adoption of the Constitution, if upon a fair examination it should appear to be approved by at least two-thirds of the qualified voters present in the town meetings.

In September of the same year the convention met and proceeded to a consideration of a declaration of rights which a committee of thirty was appointed to prepare. On this committee were Bowdoin, president of the convention, John Adams, Samuel Adams, John Lowell, Jonathan Jackson and Caleb Strong, the last named from Northampton, where he had received his legal training in the office of Joseph Hawley. A sub-committee was chosen, who turned the entire task over to John Adams. With the exception of Article III, the bill of rights was the work of one man. Toward the end of October the first committee reported a draft of

the Constitution and on the next day the convention adopted the first article of a declaration of rights. Adjourning on November 2 until January 5, the attendance at the resumed meeting was small owing to the severity of the season. In fact, the real opening was postponed to January 27, when sixty members were present. Finally on March 2, it was resolved first to submit the work of the convention to the voters, with an address which explained the grounds on which their decisions rested. After consideration by the people the returns were asked for the last Wednesday in May, with the number of voters in the several meetings on each side of every question, in order that if the constitution should not appear favorably to two-thirds of their constituents, the convention might alter it to conform to their sentiments. Secondly, it was recommended to the several towns and plantations, to empower their delegates at the next session of the convention, to agree upon a time when this form of government should take effect, without returning the same again to the people, provided that two-thirds of the male inhabitants of the age of twenty-one years and upwards should agree to it, or the convention should make it conform to the sentiments of the said two-thirds. Thirdly, that the towns and plantations had a right to choose other delegates, instead of the present members to meet in convention on the first Wednesday in June. Re-assembling in June, with twenty-seven new members, it was decided that the majority of voters in the town meetings had ratified the constitution and it was therefore adopted. The difficulty of tabulating the returns was made less, says Morison (p. 397) by the adoption of the principle that a two-thirds majority for every article was assured in advance. This same writer suggests that the Constitution of Massachusetts was never legally ratified. His very interesting paper on the Constitution includes a careful study of the returns of the towns and their revision and arrangement.

Hawley's ill-health would not permit him to attend the constitutional convention, but he made many suggestions to the delegates from Northampton, concerning the Constitution, especially the bill of rights. He wrote to Samuel Adams to beg that the conven-



tion take time to do their work well. None but the members, he said, or the people at large, from whom their power was derived, had the power to limit them in time. In view of the fact that at the date of writing this, three months after the opening of the constitutional convention of 1779, only three questions have been considered, that is, the Sectarian Amendment, the Initiative and Referendum and the matter of allowing absentee citizens to vote at elections, and of these only the first has been resolved upon, although it seems likely that all three will be submitted to the people, Hawley's suggestion to the convention of 1779-1780 that they take a year for their work was very sensible. Another proposal of his was that as soon as the constitution was devised, the public should have copies of it and be invited to criticise it. He suggested that the convention adjourn for the time being; in the meantime the members would have time for mature reflection in which errors and defects would present themselves. Conversation with constituents would be profitable. Perhaps valuable newspaper discussions would arise. This was exactly the method of procedure adopted by the convention; so far they followed Hawley's advice, whether consciously or otherwise. It was not because the rest of the letter was less valuable that its suggestions were less fruitful. "There ought not to be any uncertainty in the Diction of the Constitution, every part ought to be clear, precise, certain and not of doubtful construction or interpretation."<sup>4</sup>

When the Constitution and Frame of Government was submitted to the towns of Massachusetts in 1780, for their consideration, no one of them accepted more seriously than Northampton the duty of examining it, clause by clause, and of stating their objections to every article that did not obtain a majority vote in the town meetings, with the reason therefor. Four town meetings were held between April twenty-fourth and May twenty-second, and the last began at nine in the morning and had scarcely ended at sunset. At the first meeting the warrant included two other articles for deliberation, so after the plan was distinctly read in

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<sup>4</sup> Joseph Hawley to Samuel Adams, Nov. 18, 1779.

meeting, Joseph Hawley, Moderator and Selectman, was chosen with six others, carefully and maturely to consider it and to report at the adjourned meeting what they judged proper for the town to act thereon.

Upon consideration of the several alterations which the committee reported, the town voted in favor of the several amendments therein proposed. Apparently the voters acted upon the amendments as a whole and not paragraph by paragraph. The vote was seventy-nine in favor to six in opposition. Major Hawley, Mr. Caleb Strong, and Dr. Shepard were then chosen a committee to incorporate the several amendments into a new draft and report again to the town.<sup>5</sup>

The draft was entrusted to a sub-committee of one, Joseph Hawley, and was so unsatisfactory to his colleagues, that they reported themselves unwilling to lay it before the town. Upon the motion of Hawley that the draft be read and considered, the question was put and passed in the affirmative. The Major seldom failed to carry a motion. It was only necessary for the voters to know that he was sponsor for the draft, in order to give it their hearty support. After the reading, the draft was largely debated until the dinner hour. In the afternoon, further debate resulted in the question being put, whether the town would have the reasons contained in the aforesaid draft, respecting the qualifications of voters for members of the Constitutional Convention, and it also passed in the affirmative. It was the most eloquent appeal, as well as the most lengthy argument on that subject, received by the convention. Next, it was voted that Hawley's reasons offered in favor of the alterations respecting the qualifications of voters for a governor be annexed to the town returns.

The question was then put in the words of the second resolve of the convention and it passed in the affirmative and upon a division it appeared that fifty-seven were for it and twenty-nine against it; a liberal surrender of power to the convention, by one

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<sup>5</sup> Northampton Town Records, Book 3, 125.

of the towns which had come to look upon its own authority as supreme. Among the Hawley papers in the Bancroft Collection, is the draft of the Northampton returns to the Convention, most of it in Hawley's handwriting.<sup>6</sup> The copy sent to Boston, embodied in twenty-three closely written quarto pages, is in the Massachusetts Archives.<sup>7</sup>

A letter bearing closely upon this subject in that it contains a critical analysis of the second resolve of March second, with a forecast of what was likely to happen if the said resolve was interpreted literally, and pointing out various defects in the bill of rights, is also among the Hawley Papers and is printed herewith. It was addressed to Messrs. Draper and Folsom, at that time the publishers of the *Independent Ledger* at Boston; but it was evidently not printed. Strange to say, the newspapers of the state devoted very little space to the discussion of the constitution, and Hawley's arguments were denied the larger audience he sought for them. It would be hard to say what weight they had with the convention. Nor can we say whether or not the advice of this practical politician was influential in securing the very broad interpretation of the famous second resolve, finally adopted by the convention; or in abolishing slavery by applying the first article of the bill of rights to *all* men. But his considerations on the constitution in the process of making afford an important view of one phase of public opinion of the day and have an interest for all who would study the growth of political ideas in Massachusetts since the beginning of statehood.

Finally, a letter written by Joseph Hawley, October 28, 1780, declining to serve as senator in the state legislature, is here published as a related expression of the author's intensely democratic views. It has recently appeared in the "Proceedings" of the Massachusetts Historical Society, volume 49, 1915-1916, pages 79-81. The original is in the Massachusetts Archives.

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<sup>6</sup> New York Public Library.

<sup>7</sup> Vol. 276.



THE AMENDMENTS TO THE CONSTITUTION OF MASSACHUSETTS,  
SUGGESTED BY THE TOWN OF NORTHAMPTON, JUNE 5, 1790

1. To the Hon<sup>ble</sup> the Convention for framing a new Constitution of Government for the State of the Massachusetts Bay, to meet at Boston, on the first Wednesday of June next.

In compliance with the proposal of the said Convention which were sitting at Boston on the second day of March last, the inhabitants of the Town of Northampton, Liegemen of the State aboves<sup>d</sup> of the age of twenty one years and Upwards in Town Meeting assembled on Monday the 22d day of May A. D., 1780 do humbly object to the several Articles of that frame of Government agreed upon at Boston on the said Second day of March by the s<sup>d</sup> convention which was there and then assembled hereinafter specified, and for the reasons hereinafter set down, That is to say, To that part of the Twelfth Article of the Declaration of Rights wherein it is declared that "the Defend<sup>t</sup> shall have right to be fully heard in his defence by himself or his council at his election", Because We Conceive that the Defendant ought not only to have his election whether he will make his defence in person or by Council but ought to have his election and be at full liberty in the choice of his Council Provided he shall chuse for his Council No other than some Liegeman of this or or any other of the United States—The time may come when the Supreme Court for the time being may like a former Supreme Court of the Massachusetts Bay take upon them to confine not only ye Def<sup>t</sup> but the pl<sup>t</sup> to their Bar of admitted and habited Barristers in their choice of Council, We therefore propose that the part of the Article referred to, Should in conformity to the wholesome law or Act of this State, run thus, 'in his defence by himself, or Such other person as he shall procure for his Council, provided Such person be a liegeman of this or any other of the United States.' We also beg leave to Object to the last paragraph of the same Twelfth Article, because we conceive that the s<sup>d</sup> paragraph and the last part of the twenty eighth article of the s<sup>d</sup> Declaration do militate if they are not directly repugnant. We there-

fore propose that the s<sup>d</sup> last paragraph of the s<sup>d</sup> Twelfth Article Should be wholly expunged.

We also disapprove of the first exception in the fifteenth Article of the Declaration &c as too loose and uncertain to have a place in a Declaration of Rights which we judge ought in all its parts to be conceived in as precise Clear and certain Terms as language will admit. Besides, if by "Cases in which it has heretofore been otherwise used and practiced," it was intended to exempt from the trial of a Jury all such Matters and causes, as are exempted from such trial by any Statute or Statutes of this State, we exceedingly disapprove of the Substance and intent of the said exception and Specially the whole power and Authority given by our Statutes to Commissioners of Seven [?] and the Council on appeal to them; all which by such an Interpretation of the exception is preferred whole to Such Commissioners, and exempts all such Matters from Jury trial, in great derogation of Common right and the law of the land. And if no more was intended than Issues in law made, by joinders in Demurrer or them and also the Ordinarys or Probate &c Jurisdiction, we conceive that [in] all that should be declared fully and expressly in precise and determinate words and by no Means in such Terms as the s<sup>d</sup> exception contains which admit of vast litigation and various pretentions, and will leave it in the power of the Ordinary Legislature, to take away the sacred right of the Subject to Trial by jury in more instances than they would venture to do, if the whole fifteenth article should be dropt, and wholly expunged from the Constitution. As it is therefore subject to great and various exceptions, we shall not presume to propose any correction to that article, but submit it to the Wisdom of the full Convention to provide a Much better Security to the Subjects of this State, of their invaluable right and Privilege of a Trial by a Jury of the vicinage, in all their controversies and Suits concerning property, real and personal, than can be secured to them by that Article in its present dress.

We also judge that the People's right to keep and bear arms, declared in the Seventeenth Article of ye same declaration is not

express<sup>d</sup> with that ample and manly openness and latitude which the importance of the right merits—and therefore propose that it should run in this or some such like manner, To wit,

“The People have a right to keep and bear arms, as well, for their Own as the Common defence;” which mode of expression We are of opinion would harmonize much better with the first article than the form of expression used in the s<sup>d</sup> 17th article.

We except to the first article of the Chapter intituled the Senate, as Setting the number of that branch too low—We conceive that *forty* Men after Nine or Seven Shall be detached from them to Constitute a Counsell for the Governor will not be a sufficient ballance for the house of Representatives, a Small number of Men altho in no wise dependant are exposed to be born down or worried out by a Great Body of Men Such as the house of Representatives will and ought to be. We therefore propose that the Senate Consist of the Number of Sixty at the least, before ye draught of Counsellors. No one need be apprehensive of any Great charges being caused by an Augmentation of the Number, for they will rarely perhaps never Sit, but when the whole Gen<sup>l</sup> Assembly will be sitting—and We See No reason why the Pay of a Senator ought to be more than that of a Representative, they are not to come in the place of the Hebdomadal Counsel of Quondam Governors, It was their Sittings which created an enormous expense to the Government<sup>t</sup>—We have fresh in our mind, that the Commons in ye Long Parliament bore down the house of Lords chiefly by reason of the Lords being much inferior in Number to the Commons, much might be said in favour of even a greater number than Sixty in case the Counsell are to be drafted from that number, but We forbear lest we should be tedious.<sup>8</sup>

As to the qualifications of the Voters for Senators, We are fully of opinion that a freehold in the State of the annual income of three pounds, will attach a man to the State as much at least

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<sup>8</sup> In 1840, provision was made for the separate election of councillors and senators. Forty senators were to be chosen from the former districts and nine councillors by joint ballot from the people at large.



as 200. value in all estate: the case may be that a man may have 200 value of estate and no real estate and personal estate, especially of some sorts is very easily transferred from place to place.

If our opinion of the number of the Senate should meet with Success, It will be thought proper no doubt that the quorum of the Senate contained in the Ninth Article should be augmented to 31 or 27.

We Propose that the Paragraph of the Second Article of the Chapter entitled, House of Representatives, and which respects the power of the house to fine delinquent towns should Stand in the words following, to wit, And the house of Representatives Shall have power from time to time to impose a fine upon any Town in the State, qualified by the Constitution to send a Representative or Representatives to the General Court which shall be guilty of making default of chusing and returning one member at the least to the House of Representatives.

We are clearly of opinion that the fore part of the fifth Article of the Chapter intituled, "Executive Power", ought to be in Substance as follows To wit, The Governor *Shall* during any Session of the General Court adjourn or prorogue the Same to any time and *place* the two houses shall desire; and *Shall* dissolve the s<sup>d</sup> General Court on the day Next preceding the last Wednesday in May annually, if the S<sup>d</sup> Court shall then be in being; and in the recess of the said court may with the advice of the Council prorogue the same from time to time not exceeding ninety days in the whole in any one recess; and may with the advice of Council call it together sooner than the time to which it may stand adjourned or prorogued if the welfare of the Commonwealth shall require the same.

And as the last paragraph of the s<sup>d</sup> fifth article will be surplusage in case ye above amendment should take place, We beg leave to suggest what follows to be provided in its stead, To wit, The Governor shall have power upon the request of *both* houses of Assembly to dissolve the s<sup>d</sup> General Court sooner in the year than the day next preceding the last Wednesday in May.

We propose that the Sixth Article of the same chapter should be varied so as to stand thus, In cases of disagreement between the two houses with regard to the necessity, expediency, time or place of adjournment, or prorogation, the Governor with advice of the council shall have a right to adjourn or prorogue the General Court not exceeding ninety days, as he with such advice shall determine the publick good shall require.

We except to the eighth article as defective in not providing and giving express authority to the whole Legislative to enact Pardons and Indemnities before Convictions, We conceive that such Power ought to be expressly saved to them at ye least and therefore propose that this eighth article be alter<sup>d</sup>—so as to read as follows To Wit, But pardon before Conviction, except by the Legislature, Shall avail the party &c. Such statute pardons possibly may be salutary in a short time.

We propose that at the end of the second paragraph of the Tenth article of the same chapter these words should be added, to wit, who shall continue in office for a term not exceeding seven years from ye date of their respective commissions. And at the end of the third paragraph of ye same Article the words following should be added, to wit, whose respective commissions shall expire and become void at the end of seven years at furthest from their dates.—The like reasons and several more may be assigned for ye expiration of Military Commissions at the end of seven years as are given in page 39th for ye expiration of ye Commiss<sup>n</sup> of Justices—In the section entitled Council & the Manner of Settling Elections &c.—we would propose the following alterations viz—That the Council should consist of but seven Persons, exclusive of the Lt. Governour, and that the Governour with the said Counsellors, or four of them at least shall and may hold and keep a council, &c.—by this alteration expense may be saved and yet the business of the publick well performed—

In the Section entitled Secretary, Treasurer, Commissary &c.—we could wish that the latter part of the first Article (which regards the Treasurer's continuance in office) should be expressed in such manner that the People may understand the reason why

the Treasurer cannot with safety to the Commonwealth hold his office more than five years—

In Chapt. 4th—We would propose the following amendment viz—That the election of delegates to Congress be by the Senate and House of Representatives, each having a negative on the other—The office of the s<sup>d</sup> Delegates being of the highest importance, we humbly conceive the greatest deliberation ought to be used in their Choice whereas in the method proposed by the Convention we apprehend the influence of the Senate may be overborne by that of the house. We also beg Leave to propose that in the Place of the 10th Article of Chapt. 6th the following be substituted viz—In Order the more effectually to adhere to the Principles of the Constitution and to correct those violations which by any means may be made therein as well as to form such Alterations as from Experience shall be found necessary, the General Court shall in 1787 issue Precepts or direct them to be issued from the Secretary's office to the several Towns and Plantations to elect Delegates to meet in Convention for the Purpose afores<sup>d</sup>—The said Delegates to be chosen in the same manner &c.

As the Constitution will be the Work of uninspired Men we have much Reason to expect there will be defects in it which the Experience of seven years will discover & we therefore humbly conceive there can be no advantage in postponing a Revision of it longer than that time.

We would also propose that the letter s in the Word Laws in the last article of the Constitution be expunged—

Also, We greatly disapprove of the fourth article of the third section of the first Chapter, intituled house of representatives, as materially defective, and as rescinding the natural essential and inalienable right of many persons, inhabitants of this Commonwealth to vote in the choice of a representative, or representatives, for the town in which they are or may be inhabitants; and we beg leave to—propose, that the following addition should be made to the said fourth article, to wit, and also every rateable poll being twenty one years of age, and who shall have been resident in this



Commonwealth, for the space of three years next preceding, and who shall be willing to take such oath of allegiance to the Commonwealth, as the Laws for the time being shall prescribe.

In order to make the *first* article of this chapter, expressly conformable to your elegant address, to your countrymen, and also to make it consistent with the principle of personal equality (which we conceive ought to be attended to, as well as the principle of corporation equality) it ought to run thus, to wit, there shall be in the Legislature of this Commonwealth, a representative of the persons of the people annually elected; and in order to provide for a representation of the Citizens of this Commonwealth founded upon the said principle of personal equality, the said fourth Article ought to contain the above proposed addition, or something tantamount. We are obliged, Gentlemen, to believe that all along in settling the bill of rights, and constructing the frame of Government, the convention had it full in their intention, that the house of representatives should be chosen, and appointed, in such manner as that they should be as properly and truly, a representative of the persons as the Senate of the property of the Commonwealth: We say that we are constrained to such a belief, because the convention themselves have plainly declared the same to have been their intention. And it is impossible for us to admit so black a thought, as to imagine that the convention had an intention, by their address to beguile their constituents into a Supposition, that provision was made in the frame of Government, for a representative of the persons, as well as for the property, of the Commonwealth, when really at the same time they were conscious that it was not so in fact; and that in truth there was not in all the frame of Government, any ground for such a distinction, as is supposed in the address, for however justly and exactly the number of Senators in the frame of Government may be apportioned according to the property of each district, and provision made that they should continue forever hereafter to be so apportioned, yet that can never afford any foundation for the distinction of a representative of the persons, and a representative of the property of the Commonwealth, for altho such a provision will

truly determine the share, or particular part, of any given whole number, which every district into which the whole State may be divided, shall elect and depute, yet nothing can be more clear than that the ground of the distinction between a personal, and a property representation must wholly depend on the qualifications of the electors, and that if there shall be no difference made between the qualifications of the voters for the members of the house of representatives, and for the members of the Senate; but each member of both houses shall be chosen by the same identical persons,—as they must necessarily be, if the voters for the members of both houses are all to have precisely the like qualifications, and no part of the number of ye persons, having the like qualifications are to be excluded, then the distinction aboves<sup>d</sup> is wholly out of doors and becomes an absolute nullity. Who would ever imagine, that if all the male persons in the State of the age of twenty one years and of no property should by the Constitution, have as good a right to give their votes for the senators, as the men in ye State, of the best property, and the votes of all the voters should have an equal estimation in determining the election, we say, into whose head would it ever enter to denominate a body so elected, a representative of the property of the Commonwealth, however exactly and minutely the number or share of the whole Senate, which each district should be intitled to elect, might be adjusted to the property of each district, in relation to the property of the whole Commonwealth? but the case is so evident that it would be affrontive to dwell any longer upon it. We must therefor judge that this default of providing for a personal representative in the Legislature, proceeded from inadvertency and forgetfulness, an infirmity which human nature is universally liable to, and we are further obliged to account for this omission, in the Constitution, in the way abovesaid, by an attention to several matters in the declaration of rights, which when carefully reviewed, and considered by the Convention, we persuade ourselves will appear, not to harmonize with the omission, which we are observing upon.

But that we may come home to the enquiry, concerning the justice of excluding such individuals, inhabitants of this State, from voting, not to say from a right to vote in the choice of a representative (for that is impossible), as come within the description, of the proposed addition, to the said fourth article: we beg that a recurrence may be had, to the second paragraph of the preamble to the Declaration of Rights. There we find it declared, "that the body politick (perhaps it might have been more properly said the constitution of the body politick), is formed by a voluntary association of individuals; it is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain Laws, for the Common good: it is the duty of the people therefore, in framing a constitution of government, to provide for an equitable mode of making Laws, as well," &c. now can anyone say that the citizens of this State, who are included in the description of the proposed addition, and who do not answer the description of the said fourth article, as it now stands, have ever covenanted, consented and agreed, or will ever covenant, consent and agree with the rest of the people, to be governed by Laws founded on an Article of a constitution, which totally excludes them from any share or voice in appointing the Legislature for the State, or will such persons ever consent and agree, to be governed by Laws which shall be enacted by a Legislature appointed wholly without their participation; or can a Constitution so framed be said to provide for an equitable mode of making Laws, or will anyone stand forth and say, that persons who have been born within the State, and have always lived in it, till they have arrived to the age of twenty one years, perhaps much above that age, and who have always paid their poll tax, ever since they were sixteen years old, and are still rateable, and are rated and pay for their polls, the sum set on each poll, in every rate that is made for defraying either the continental, State or town charges, be the same higher or lower, we say, will anyone affirm, that such persons are not citizens of the Commonwealth: Is not the consequence then (that if the said



paragraph is true) that an association of many individuals, of the State, which without consent totally excludes many such adult male persons, from any participation in the appointment of the legislature is in fact no constitution, and does not make a body polytick—yea is it not absolutely a void business? As to what may be replied, by way of answer, in behalf of infants, that is, persons under the age of twenty one years,—we ask leave to refer to what Mr. Locke has most judiciously said, on that head in the sixth chapter of the second book, of his treatise of Government, intituled, paternal power;—which is much too lengthy to be recited on this occasion, but well deserving to be resorted to—And as to the case of women, of whatever age, or condition, they may be, we ask leave to refer, to what is very sensibly, as well as genteely, said on the subject, in the twenty ninth page of the Essex result.<sup>9</sup>

We also humbly conceive that the exclusion which we complain of, directly militates and is absolutely repugnant to the genuine sense, of the first article of the declaration of Rights, unless it be true that a majority of any State have a right, without any forfeiture of the minority to deprive them of what the said first article declares, are the natural, essential, and unalienable rights, of all men. By that article all men are declared “to be born free and equal”; this is true only with respect to the right of dominion, and jurisdiction. over one another. The right of enjoying that equality, freedom and liberty, is in the same article, declared unalienable: Very strange it would be, if others should have a right by their superior strength, to take away from any individual,

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<sup>9</sup> “The Essex Result,” a pamphlet published in 1778 in the county of Essex giving the views of the leading minds on the proper form that should be substituted for the rejected constitution of 1778 and containing eighteen distinct articles setting forth the leading objections to the Constitution proposed. It is reprinted in the appendix to the Memoirs of Chief Justice Parsons by his son. Hawley had in mind the following: “Women, what age soever they are of, are also considered as not having a sufficient acquired discretion; not from a deficiency in their mental powers, but from the natural tenderness and delicacy of their minds, their retired mode of life, and various domestic duties. These concurring, prevent that promiscuous intercourse with the world, which is necessary to qualify them for electors.”

which he himself could not alienate, by his own consent and agreement, but this will truly be the case, or the exclusion, which we except to, is directly repugnant to the first article.

If it is true, that all men are naturally equal with respect to a right of dominion, government, and jurisdiction, over each other, that is to say, no one has any degree or spark of such right over another, then it will follow that any given number of such equals will, if they should all live on the earth, for thirty years and no one of them, within that time should be guilty of any crime or fault whereby he should forfeit his native equality, and freedom; and no one of them should consent to come under the power and dominion of one or more of the rest, or alienate his native equality and freedom (and by the way the article<sup>10</sup> declares that he has no right to alienate it), we suppose that at the end of the thirty years, they will all be as equal & free, as they were at the first moment of their existence.

We further suppose that if one hundred of such equal freemen should be at once on the earth together, of what age soever they were, and some one of the hundred, should happen to have an hundred times as much brutal strength, as all the other individuals when singly, or perhaps what is an equivalent thereto, an hundred times as much natural cunning, as any individual of the rest, he would not have any right against the will of any one of his brethren, to assume the exercise of dominion and jurisdiction, over him, however easy it might be for him to do it; and if no one of the hundred would have a right to do so, we suppose that no ten together would have any right to it, and if not ten, then ninety nine of the hundred would not have any right to domination over the remaining hundredth man, for nought to nought gives but nought; the inevitable consequence then is, that if the ninety nine should endeavor to subjugate, and exercise government, over the hundredth man, without his consent, he would have a good right to resist and in case the ninety nine should overcome

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<sup>10</sup> It is strange that this article secured more than a two-thirds majority, in spite of the fact that the very men whom it sought to exclude had the right to vote on the constitution. Thus they formally consented to their own disfranchisement.

and subdue him, the hundredth man would have a good right at any time, when any lucky moment presented, to do anything that should be necessary, to regain his natural liberty and freedom whereof he had been wrongfully deprived; full as good a right against the ninety nine, as he would have had against any single one of the hundred, who by his superior brutal strength, had usurped upon him.

Now, Gentlemen, in case the form of government which you have sent out to the people shall be affirmed and established, is it not intended that every rateable poll of this State, of the age of twenty one years, shall be obliged to submit, and be subject to such a legislative body as is therein projected and described? Is it not intended that all such persons shall be the subjects of their legislation? and that their persons shall be controllable by the laws of that legislature whether they ever were or shall be the owners of a freehold estate within this State of the annual income of three pounds, or of any estate of the value of sixty pounds or not? Is it not intended that they shall be obliged to contribute to the subsidies, taxes, imposts, or duties which shall be established, fixed, and laid by such a legislative, and be liable to be restrained of their liberty by the acts of such a legislative, for such causes as they shall judge they ought to be, whether they ever were or shall be qualified, as is expressed in the fourth article of the third section of chapter first, intituled "House of representatives," or not? Then will not such persons be in a state of absolute slavery, to such a legislature, while they shall continue without the quantum of property prescribed in the said article? If they are to be subject to the jurisdiction, and legislation, of your legislature with regard to life, liberty, and their day wages or whatever small property they may acquire, and yet have no voice in the appointment of that legislature, what is the difference of their condition from that of the hundredth man who without his consent had jurisdiction usurped over him, by the other ninety nine or any single one of the above mentioned hundred of superior animal Strength or natural cunning?



But perhaps it will be said that this subjugation of these persons unqualified to vote, and consequently excluded by the said fourth article, is done by their own consent, as it is done by the Convention in whose choice they have, or might have had, a vote, and that Mr. Locke tells us, "that the liberty of a man in society is to be under no other legislative power, but such as is established by his consent;" and that the s<sup>d</sup> legislative body to be from time to time established, without their participation, will be by their consent, as it has been done by the convention, in the appointment of which body they had a voice, and consequently they were their agents; and, as their agents, have consented to it, it is become the act of the constituents:

We answer that the objection supposes what is not true in fact, to wit, that the Convention have been empowered and authorized to agree upon and establish a model of government for this State; it is certain that the convention have never had such a power given to them, as is evident, if we consider the proposals upon which they were elected, which were, that delegates should be chosen by the several towns in this State, for the sole purpose of devising and agreeing upon a constitution or frame of government to be communicated, and laid before the people, which, if two thirds of the people, capable of voting, to wit, the freemen of the State, of the age of twenty one years, should accept and affirm, it should then, and not till then, be the Constitution of this State, and binding on the whole. And the same is further evident, to wit, that the Convention have no power to establish a constitution for the State, if they themselves understand their own powers: for they by clear implication acknowledge that they have no such power, in their second resolve of the second of March last, whereby they ask the people that such a power be given them not expressly and directly indeed but implicitly and indirectly; and wherefore do they ask it, if they had it given them by their original appointment?

So that if the people should now affirm the frame of Government which the Convention have communicated to them, containing the said fourth article whereby many adult rateable per-

sons who are inhabitants and citizens of this State, and have never done any thing to forfeit their natural and most important rights, are excluded from voting for a representative or representatives, for the towns where they dwell; it will be precisely a like case, with that above put, to wit, where the ninety nine of one hundred free and equal men conclude to usurp dominion, and jurisdiction, over the hundredth man, against his will, that is to deprive him of his natural liberty, which is no other than to enslave him when he had been guilty of nothing, whereby he had forfeited that natural liberty and equality. It is certain that the said section intituled house of representatives, supposes that the polls in the State whether they shall be owners of property, or not, will always be taxed, witness the second article of the said section, and we know that they always have been the subjects of legislation in this State and have had many heavy burdens, and services set on them, by the legislature, especially in time of war, and that, will, no doubt, continue to be the case, (tho probably not in so great a degree) even if they should have a voice in the appointment of representatives.

Dont we know that whenever any mention is made of a tax Act, or proposal in the legislature of taxation, it is always spoken of as as a tax on polls, and Estates, that whenever a list is ordered for the purpose of a new valuation, an exact account is directed to be taken, of the number of polls above the age of sixteen years—in the several towns in this state, and that when the house or their committee are settling a valuation, the first business always is to fix the proportion of a single poll, to a thousand pounds, and dont we know, that the owners of large property, generally, upon such occasions strive to get the polls share, as high as they can;<sup>11</sup> for they are fully sensible that it is their interest, that the polls share should not be low, for the higher that is, the less will remain on the estates, and they conduct in ye case accordingly.

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<sup>11</sup> Hawley was only too true a prophet. The proportion of the state tax raised by poll taxes rose from 30 per cent in 1778 to 40 per cent, in 1786, and was one of the many forms of injustice that helped bring on Shay's Rebellion.

Now do we hear from these poor polls, a single objection, against the persons who are owners of large property, their voting for the members of the house of representatives? they consider that such property holders have personal interests and concerns, as well as the poor day labourers; further do they object a word against the owners of the property chusing, one entire branch of the legislative, exclusive of themselves, to be guardians of such property? they feel and own the force of the argument for property's having great weight in the legislature, because property ever was and ever will be the subject of legislation and taxation.

But pray Gentlemen shall not the polls, the persons of the State, have some weight also, who will also always be the subjects of legislation and taxation? are life, members and liberty of no value or consideration? Indeed Gentlemen we are shocked at the thought, that the persons of adult men, should like live stock and dead chattels be brought to account to augment the capital whereon to draw representatives for particular towns, in ye same manner as such chattels are to be brought into the property capital to augment ye number of ye senators and when they have been improved and made the most of that maybe for that purpose, they should be wholly sunk & discarded, not to say like villains but absolutely like brute beasts. Shall these poor adult persons who are always to be taxed as high as our men of property, shall prevail to have them set [*sic*], and their low pittances of day wages, be taken to lighten the burden on property? Shall these poor polls who have gone for us into the greatest perils, and undergone infinite fatigues in the present war to rescue us from slavery, and had a great hand, under God, in working the great salvation in our Land, which is, in a great degree wrought out, some of them leaving at home their poor families, to endure the sufferings of hunger & nakedness, shall they now be treated, by us like villains or African slaves? God forbid!

What have they done to forfeit this right of participating in the choice of one branch of the two branches which are to constitute our legislative, when they are willing that you men of property should enjoy the exclusive right of chusing the first



branch—have they forfeited it in the exercise which they have made of this right of participating in the choice of you gentlemen to your important, very important trust? we hope not and we hope that you will on further consideration verify it that they have not by giving them a voice in the choice, & appointment of that very branch of the Legislative, which you yourselves tell us is by you intended, to be the representative of the persons of the Commonwealth, and thereby remove all cause for them to regret their choice of you.

Gentlemen, we cant yet dismiss this very affecting subject. Shall we treat these polls precisely as Britain intended and resolved to treat all the sons of America, that is to say, to bind us in all cases whatsoever, without a single vote for the legislature who were to bind and legislate for us, at which all Americans who deserved freedom, had the highest indignation and that most justly? We say, who deserved freedom; for he who is willing to enslave his brother, is if possible less deserving of liberty than he who is content to be enslaved. Shall we who hold property, when God shall have fully secured it to us, be content to see our brethren, who have done their full share in procuring that security, shall we be content and satisfied, we say, to see these, our deserving brethren on election days, standing aloof and sneaking into corners and ashamed to show their heads, in the meetings of freemen; because by the constitution of the land they are doomed intruders, if they should appear at such meetings? The thought is abhorrent to justice and too afflictive to good minds to be endured.<sup>12</sup>

We beg leave also freely to declare to you, that we disapprove of the third article of the first section, intitled "Governor," of the second chapter intitled executive power, and apprehend in case our last proposal shall be adopted that it stand thus, "Those per-

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<sup>12</sup> The Constitutional Convention of 1853 submitted a new Constitution which was rejected by the people. It provided for the abolition of property qualifications for voting. The third amendment of the Constitution, adopted in 1820, had done away with all the property qualification for voting except payment of a state and county tax. Since the thirty second article of amendment in 1891, not even the poll tax payment has been required as a condition for voting.

sons who shall be qualified to Vote for representatives, within the several towns of this Commonwealth, shall at a meeting to be called for that purpose &c.” That adult male persons inhabitants of the State ought, and have a right to have a vote in the choice and appointment of the first executive magistrate we think may be fairly argued from the powers, which by the frame of Government are given to that magistrate. In the first place the most important of his powers, of nominating and with the advice of his council appointing almost all judicial and executive officers.

You are pleased in your preamble to your declaration of rights—to aver that it is the duty of the *people* in framing a Constitution of Government to provide, not only for an equitable mode of making laws, but also for an impartial interpretation and a faithful execution of them, that every man may at all times find his security in them. Now we humbly ask whether the polls or male persons, of the age of twenty one years are or are not a part of the people of the State, altho they shall not own a freehold of £3 per annum or any estate to the value of sixty pounds? Most certainly they are—. Will not an impartial interpretation, and a faithful execution of the laws affect and concern them? Most certainly it will. And without such an interpretation and execution of the laws, that part of the people will find no more security in them, than the men of property.

Besides, the fifth article of the declaration declares that all power residing originally in the people and being derived from them, the several magistrates, and officers of Government, vested with authority whether legislative, executive or judicial, are their substitutes and agents, and are &c. Now if the male adult persons of the State who have not so much property as is prescribed and required in the said third article, to entitle a man to vote in the choice of the Governor, are a part of the people of the State, but shall not be admitted to vote in the choice of their first magistrate the said fifth article of the declaration will be absolutely falsified and ought to be expunged.

Also the Governor by the frame of Government is to be Commander-in-chief, of all the military forces of the State, by sea and

land: these poor people always have been and we believe always will be, considered as part of the military force of the State, both by sea, and land. They most certainly will therefore be interested in this first magistrate—considered in his military character, and consequently can't justly be excluded from voting in his choice. As to the Governor's exercise of his civil powers the property men will be wholly safe for the Governor will not be able to act scarce anything in his civil character, without the advice and consent of his council, which council, are always to be of the men who shall be chosen solely by the property men in case they will accept their choice.

Pray, Gentlemen, therefore make the experiment for one seven years, of admitting these poor persons qualified as is specified in the proposed addition, to the said fourth article to the exercise of their natural, not to say unalienable right of participating in the choice of the representative of the persons of the Commonwealth and also of the first magistrate of the same, and if by the experience of seven years it shall be found so unsalutary, as to become absolutely necessary to deny that exercise to them, as it is in the case of infants, at the time of the first revision of the constitution they may be denied that Exercise.<sup>13</sup>—

This paper was dated June 5, 1780. It was submitted to the Town Meeting in Northampton and adopted. By a vote of 79 to 6 the following section was also adopted and made a part of "the reasons offered in favour of the proposed amendments in the Constitution."—EDITOR.

Thus, Gentlemen, We have taken the liberty to object to Several of the Articles in that frame of Government which has been sent out to the people & have proposed such alterations and amendments as appeared to us to be reasonable. We have also humbly offered the reasons which induced us to propose the

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<sup>13</sup> Hawley's suggestion of a revision of the Constitution after seven years' trial was not adopted. Amendment was provided by the Constitution of 1780, in 1895, if the people so decreed by a two-thirds vote. They did not so decree.



afores<sup>d</sup> alterations, which we cheerfully submit to your revision and full consideration not doubting that you will give every argument we have used in favour of the proposed alterations its full weight, and we should be happy to find that they have the same influence on your mind, as they have had upon ours. But if it should be otherwise, after you have fully considered them, we shall submit to it as it now stands, for as the convention shall confirm it to the sentiments of two thirds, we do not mean to be so tenacious of our own opinions as not to approve of any thing that is not done exactly to our taste.

JOSEPH HAWLEY'S PROTEST TO THE CONSTITUTIONAL CON-  
VENTION OF 1780

The following letter, dated June 5, 1780, the same day that Northampton adopted her letter to the constitutional convention, represents Major Hawley's personal views. He was a most devoted champion of popular rights, as the Protest well shows; and we here encounter, with him as spokesman, the ideas of the popular party on constitutional law. It throws an important light on the attitude of mind in the interior of the state, out of which Shay's Rebellion was to grow.

The Protest is preserved in the Hawley Papers, in the New York Public Library, and is written partly on the back of a commission issued by Lieutenant-Governor Phips, September 20, 1755, to Williams, Hawley, and Partridge authorizing them to administer the oaths appointed by act of parliament to the officers serving in the forces raised for reinforcing the expedition against Crown Point.—EDITOR.

Tho the Hon<sup>ble</sup> the Convention for framing a New Constitution of Government for the State of The Massachusetts Bay—

When by the Second resolve of the second of March last, It was recommended to the inhabitants of the Several Towns and Plantations in this State, to empower their delegates at the next session of the Convention, to agree upon a time when the form

of government, which was then about to be communicated to them should take place, without returning ye same again to the People, provided that two thirds of the male inhabitants of the age of twenty one years and upwards, voting in the several town and plantations meetings should agree to the same, or the Convention should conform it to the sentiments of two thirds of the People.

I cannot imagine that if it should appear at your meeting on ye first Wednesday in June next, by the returns y<sup>t</sup> Two Thirds &c, should have agreed to the s<sup>d</sup> form of government exactly in the dress in which it has been sent forth to them, or in case you should find it practicable to conform it to the sentiments of two thirds, &c and if a majority of your constituents had given you the power and high trust which you had recommended to them to give you, it was intended in fixing ye form of Government which you would then be empowered to establish for this State without returning ye same again to the people that you should hold yourselves absolutely restrained and confined to establish either that numerical form of Government which has been already communicated to the people, without adding or taking from the words of that Book the least jot and title. Or if that precise form should not be accepted by two thirds &c. that in conforming it to their sentiments you must take and insert into ye frame of Government, the very articles which they had adopted and expunge and leave out all the articles, which two thirds, &c., shall either expressly or constitutionally appear to have disapproved and not to be in favour of, in what parts of the Bill of Rights, or frame of government soever they should be found to lay.

I say, I cannot imagine that you would hold yourselves so restrain<sup>d</sup>—For if so, in the first case you will at your approaching Meeting instead of deliberating, discussing, consulting, advising with one another, and concluding for yourselves, and improving and giving the publick the benefit of your own studies and meditation, not to mention what you may have had suggested to you by others in the Conversation and Conferences with which you have honored them, you will have nothing to do but to ratifie and put your Fiat to that precise form of words and doctrine which

was agreed upon at Boston last winter in the most unclement and distressing season perhaps ever known in New England,<sup>14</sup> and when more than two thirds of your Body not by any laches<sup>15</sup> or default of their own but merely by the Act of God were prevented attending ye Convention and however dissatisfied you yourselves may be with it have only to fix the day when the new Constitution shall begin to operate and take effect in ye State, give your solemn Imprimatur to it, without the Peoples' ever seeing or hearing any more of it without resorting to the Parchment enrollment thereof, in the Secretary's office untill they shall in some future edition of the Commonwealth Law Book find it prefixed thereto in the place of William and Mary's Charter. Or in the second case you will have the laborious ministerial task to go through of investigating what and how many articles are not disapproved nor excepted to by a greater number than one third of the Inhabitants qualified to vote and who did actually vote in ye premises to enter them down as affirmative quantities and carefully to discern such articles as shall have been disapproved by two thirds of the s<sup>d</sup> voters, and either wholly blot them out and dismiss them, retaining only the aboves<sup>d</sup> affirmative quantities to compose the Constitution or finding out if possible what the two thirds would have in the room of the reprobated articles, enter them down in their place. Put all together and then whether there shall be, in the code containing both the declaration of rights and frame of Government, Consistency or Repugnancy, Connection or Mutilation, or (as a very Worthy and Acute Gentleman express<sup>d</sup> himself in his remarks on the two first resolves of March last) whether it shall have any likeness of anything, that is in heaven above or &c. or not, in some very Solemn Manner declare and Publish ye s<sup>d</sup> Code for the Constitution of this State how ever Chagrin<sup>d</sup> the Members of the Convention themselves may be at the production, or however absurd and ridiculous they may

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<sup>14</sup> Said to be the worst winter since that of 1717, described by Cotton Mather. Deep snow made travel impossible save by snow shoes. Boston Harbor was frozen solid for a month.

<sup>15</sup> Laches, negligence.



know it will appear to their Constituents and to all the world, who shall ever see it.

Gentlemen there are many who suppose that you will by y<sup>e</sup> genuine force and constraint of the s<sup>d</sup> two resolves and the returns which probably (will) be made in consequence of them, be holden to such a mode of procedure; But I have no imagination that such a literal interpretation will be on y<sup>e</sup> s<sup>d</sup> resolves by the Convention as to infer such ridiculous destructive Conclusions.

Gentlemen, there seems to me to be a sense strongly implied in the s<sup>d</sup> Second resolve of March last and also in the last part of the 1st resolves of the same day, which implied Sense in case two thirds of your principals shall vote in the affirmative on the s<sup>d</sup> Second Resolve, will give the Convention such a power which I hope they will never accept or consent to exercise. In case it shall by the votes appear, that Two thirds, of your Constituents in ye impatience or zeal, I had almost said rage, to fix an immediate establishment of a Constitution, by their votes shall have agreed to the form of governm<sup>t</sup> which *totidem verbis*, that part of ye Convention that met at Boston last winter have sent out to them, you will then indeed be empower<sup>d</sup> to ratifie and establish that precise frame of governm<sup>t</sup> as it stands in the Book sent out to y<sup>e</sup> Country for the Constitution of this State.

But will you be held and obliged so to do if that shall be the case; that case I venture to say will be a very unhappy one—The least misfortune which will be y<sup>e</sup> consequence of it is that 260 or perhaps 300 Men will have assembled from y<sup>e</sup> several parts of y<sup>e</sup> State, probably some from y<sup>e</sup> remotest parts thereof with great expense to themselves or constituents, fraught with useful, important materials for constructing a happy, free and Salutary frame of Government the fruit both of their own patriotick lucubrations and the matured study of their constituents. And when they shall be met in solemn convention prepared for sage debates and discussions they shall find that matters have been so steered and directed, by part, a small part of their number who assembled at Boston in the dead of last winter that nothing remains for them to do but what might better much better be done by a small

Com<sup>tee</sup> like unto that frequently appointed in the Gen<sup>l</sup> Assembly to count and sort votes for a notary publick or some such petty officer than by y<sup>e</sup> whole Convention, namely the arranging and numbering the votes of y<sup>e</sup> several Towns upon the question contained and stated in the ye s<sup>d</sup> second resolve.

This I say in consequence of a devise of a part of a convention for I do not see with what propriety a less part than a third of the whole number of the delegates who had been returned and had actually appeared in Convention when it had never been agreed in convention what number should constitute a quorum, I say I do not see with what justice such a part could be denominated *the Convention*, the only natural quorum of any body of individuals is a Majority and 2-5 or even 2-7 of a body, when the Number to constitute a Quorum has not been agreed in Convention cannot undertake without injustice to consider themselves a Quorum of the Body and pass acts and resolves to bind ye whole assembly when the rest of the body are absent not through their own LATCHES but by ye Act of God and cannot be viewed in ye light of defaulters<sup>16</sup>—

Can anyone be so wild as to suppose that the Convention altho' empower<sup>d</sup> to establish a particular draft for the Constitution of this State and who *decide when the same shall take place without returning it to the people*, shall be strictly holden and obliged so to do, when perhaps that very draft shall appear to two thirds or perhaps three quarters, of the Convention themselves to contain many grievous errors, to be in diverse respects deficient and some articles irregularly, and in others absolutely Contradictory and repugnt, and on the whole really so imperfect so that if establish<sup>d</sup> and published to the world It would Not only be disparaging to the State, but bring reproach or ridicule on y<sup>e</sup> Convention?

I conceive that the full Convention will if the s<sup>d</sup> Second resolve should be pass<sup>d</sup> in the affirmative by even 7-8 instead of 2-3

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<sup>16</sup> There are two hundred and ninety three names in the list prefixed to the Journal of the Convention, but the number of members present and voting even at the third session, never exceeded eighty two.

of their Constituents, consider themselves at full liberty to correct any errors which they shall judge are contain<sup>d</sup> in the s<sup>d</sup> form of Government agreed upon last winter at Boston and communicated this Spring to y<sup>e</sup> Country and to cure its deficiencies by any additions and new matters which may occur to and be proposed by members of their own body or suggested by the returns of any town or towns in the State—for it is natural to observe that as to new matter or any addition thought on or proposed by any particular town there could not be the least chance of a Concurrence therein by 2-3 or one hundredth part of ye Towns in y<sup>e</sup> State even if the addition or new matter as soon as heard by the towns should appear to be so salutary and so much of an improvem<sup>t</sup> on the Model or form of Governm<sup>t</sup>, that not only Two thirds but nine tenths of the towns and voters in the State would most eagerly and cheerfully adopt it. and who can without the most unworthy thoughts of the Members assembled at Boston last January &c suppose that so an illiberal an interpretation ought to be put on their call to the inhabitants of ye several Towns to state their objections, as y<sup>t</sup> they intended to preclude all proposals of new matter, either for the declaration of rights, or frame of Government.

Besides, if so narrow, and rigid a construction should be put on the said second resolve, as not to admit of the above latitude, in the future preceedings of the Convention, the State will in fact be in a great degree defeated, of the benefit and advantages, of a convention; for I am well informed that nothing more than the articles contained in the declaration of rights, has ever been passed on, in full convention: I say the establishing a constitution upon the abovesaid narrow interpretation, of the said second resolves, will in fact defeat the people of this state, of the principal end and intent of chusing a convention, which was that a plan or form of government should be projected, and prepared by their Delegates in Convention assembled, upon great advisement, deliberation, free discussion and debate; whereas if the present form of Government should be fixed and established for the Constitution of this State, because it shall have been



found, upon the examination of the expected returns, that two thirds of the male inhabitants, of the age of twenty-one years, and upwards, *voting* in the several town and plantation meetings, had from their great anxiety, and concern, for an immediate establishment of something, to be denominated the Constitution of the Massachusetts, agreed to the same;<sup>17</sup> The case in truth will be, That the state of the Massachusetts Bay, will have an unadvised, unconsulted, undiscussed, indigested, tautological, ragged, inconsistent, and in some parts unmeaning, not say futile plan, established in it, for its constitution of Government.

That upon the supposition last made the case with the Massachusetts Bay will be really as I have affirmed I shall endeavour to make appear in the following way, To wit, The full Convention when they adjourned last fall from Cambridge to Boston had never discussed or passed upon any more of the report of their Com<sup>tee</sup> than the articles contained in the declaration of rights, if they had on the whole of them, whether the after frame stood upon or varied from or was inconsistent with y<sup>e</sup> s<sup>d</sup> Declaration, as a Convention they had not examined, as to the number of Gentlemen, members of the Convention who were together at Boston last winter at and after the day to which the Convention stood adjourned, as to certain number ever had been agreed on to constitute a Quorum they cannot by any reasonable Construction be denominated or taken to have been the Convention unless by great liberality; and of necessity, they should be considered such merely for the purpose of adjourning, to prevent a dissolution, or the necessity of a new Summons of the Members as far the greater number of the members were prevented giving their attendance by the Act of God.

And as to the said plan's sent out by the gentlemen met at Boston as aforesaid, having been advised, or considered, and consulted by the People in the way that they have been called on to act on it, No one will affirm that it has who considers that each Town which has or may act upon the same, either in the

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<sup>17</sup> Hawley probably referred to Pittsfield, where "No Constitution, No Law," was the popular cry.

gross or article by article, undoubtedly has or will act upon it severally, and without any privy, or conference with any other town; so that whatever objection, for instance, the town of Hatfield might find to make to any one or more articles, the Town of Northampton was not apprized of it, or whatever amendment the Town of Northampton would wish to suggest, the town of Hatfield had no notice thereof—had those two towns consulted and advised together, perhaps in the first case Northampton would have wholly obviated the objections of Hatfield, and in the second case the Town of Hatfield might have fully convinced Northampton that their additions were unsalutary.

And to support the other epithets that I have ventured to give the said plan, I propose to have resort to the Several Articles of the Plan itself. But before I enter on a particular examination of the Plan, I will observe a few words, on the alternative of the Proviso of the said Second resolve: The alternative stands in the words following viz, "Or the Convention shall conform it to the Sentiments of Two Thirds of the People"—I think it reasonable to understand these words, "The sentiments of two thirds of ye People" to mean the sentiments, which shall be declared in the returns, which the Selectmen are called upon to make, to the Secretary of the convention to be laid before the *examining* and *arranging* committee in order that they may be revised, and considered, by the convention, &c.

Now can any man in his senses, expect, that if the first part of the proviso, shall be found not to have taken place, that is to say if it shall be found either by the said *arranging* committee, or by the convention at large, that there are not two thirds of the male inhabitants, of the age of twenty one years and upwards, voting in the several town and plantation Meetings, which have agreed to the communicated plan, the sentiments of two thirds of such voters, when laid together, and truly and faithfully, reduced to articles, will constitute such a form of government, as that either that part of the Convention who were the authors of this proposal, or the majority of the whole convention, or the

said voters themselves, when they should come to see the articles, so put together, would be satisfied with; or ever Consent to it, as a constitution of Government?

In the first place, I believe it will require the industry and distinguishing faculties, of beings superior to the human kind, satisfactory to determine, from such returns, what the sentiments are, in which the said two thirds, of the people, are agreed.<sup>18</sup> Nextly if it be considered that every meeting or body of the voters, who shall have passed on the articles of the said plan, either severally or in the bulk will all have acted without any privity, or intercourse with each other, the sentiments in which two thirds shall be found to have agreed, must be expected to be very few in number and very probable that when such sentiments, and such only, shall be fairly arranged and reduced to articles, they will be found to be very incoherent, and independent of each other; for nothing is more likely than that, each set of voters, when they voted for one sentiment, considered it as connected with a set of sentiments, very diverse from the set of sentiments, with which another body of voters, who shall have luckily adopted the same sentiments, expected it would be connected with in the constitution. Therefore I believe that no success will be met with, in attempting to get a constitution, by the way of conforming (for I suppose we are to understand a strict conforming) to returned sentiments. If this conforming to the returned sentiments, of two thirds, intends no more than this, viz, that the convention shall not make a constitution that impugns the plain sentiments, of two thirds of the people, they will then have the latitude which I above declared, that I wished them to take, and then all the noise about the convention's being bound, by returned sentiments, will be at an end, for who ever imagined that the convention would insert articles in a constitution directly repugnant to the known sentiments of two thirds of their constituents.

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<sup>18</sup> The reader is referred to the article by Samuel Eliot Morison in the "Proceedings" of the Massachusetts Historical Society, May, 1917, page 396, for the method of tabulating returns employed by the Convention.



But it is time to give some close attention to that form of government, which has been sent forth to the country, in 1800 copies, for the constitution of the commonwealth &c. And after the preamble we find in the first part of the first article, of the declaration of rights, a great and glorious truth asserted in the following words, viz, "all men are born free and equal, and have certain natural, essential, and unalienable rights." Whether all the rights enumerated in that first article, as unalienable, as well as natural, are truly so, I shall not stand to inquire or whether they are the best chosen, as instances of the unalienable rights of mankind may admit of some dispute, however, the said first article contains so much clear and important truth that it no doubt gave great encouragement to the lovers of right, and truth, that all the following articles of the declaration, would consist of clear, indisputable and important truths; and of none but such, and I conceive that it was natural to expect, that the declaration of rights would wholly consist of clear truths, of the most important and unalienable rights of human nature, and laid down in the most intelligible, determinate and unequivocal words, which our language furnishes that so the declaration of rights instead of ministring occasions and matters of dispute, hereafter in the state, would have served as a solid and immoveable foundation, a fixed pole-star, and an unerring standard, for every article in the subsequent frame of government, calculated to give peace and security to the inhabitants of the Massachusetts Bay, and a perpetual directory, to all future legislatures in devising, and enacting, laws and statutes, for the good and equitable government of the said inhabitants.

But instead of a set off articles of the kind above defined, we find the first part of the very next article to contain, a proposition which if true, is far from being indisputable, and positively denied by many, viz, That it is the duty of all men in society, publicly and at stated seasons, to worship, &c." Whatever the apostle Paul has said, in favour of public worship, he has certainly said much to make us doubt whether the Supreme Being does, since the Resurrection of Christ, require of men in

or out of society to worship him, at any stated seasons: this is certain, if our common Bibles are a true and genuine translation. As to the third article, I am humbly of opinion that the first paragraph of the said article contains two propositions, which are not true in fact, viz, That the *happiness*, (I conclude temporal happiness is intended) of a people, and the preservation of civil Government, essentially depend upon piety and religion. And the second is, That the people of this Commonwealth, have a right to invest their legislature, with a power to require, their several towns, parishes &c. to make a suitable provision *at their own expense*, (a caution scarcely to be expected in an article of the kind), for the institution of the publick worship of God, and for the support and maintenance of publick, protestant teachers, &c. This second proposition is false, because it is inconsistent with the unalienable rights of conscience, which rights are certainly unalienable, if mankind have, (as the first article avers they have) any such rights.

Besides, the said third article is justly exceptionable, on account of the several loose and indefinite terms and phrases contained in it; as Public Worship; Public Teachers; if there be any on whose instructions they can conscientiously and conveniently attend; be uniformly applied, otherwise it may be paid &c &c. Now this looseness and uncertainty of language is by no means to be attributed to want of knowledge, and acquaintance with language in the authors of said third article, but to the absolute impossibility, of making or enacting a religious establishment in clear language, and in terms, and phrases, of a fixed; definite and certain meaning which shall be consistent with the rights of conscience,<sup>19</sup> and therefore to preserve the appearance of such consistency, the managers in this business always hunt up loose, and equivocal words, and phrases, whereby they only seem to

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<sup>19</sup> Long afterwards John Adams writing to William D. Williamson, the historian of Maine, gave as his reason for not drawing this article personally, "that he could not satisfy his own judgment with any article that he thought would be accepted; and further, that some of the clergy and graver persons than himself would be more likely to hit the taste of the public." "Works" of John Adams, IV, 222.

mean; but as the Poet says in another case, really "mean not, but blunder round about a meaning".

And it must be plain to everyone who shall carefully attend, to the four first paragraphs of this third article, that instead of its being a clear directory and guide to future Legislatures in legislation: their acts and laws touching religion, which they are hereby authorized, and required, to make, if made conformable to the article itself, will afford plenty of that glorious uncertainty, which is the source of the emoluments of the men of my profession.<sup>20</sup> As to the last paragraph of the said third article, I have only to observe that it would stand with a much better grace, in the after frame of Government, or in some statute of the future ordinary legislature, than in the bill of rights.<sup>21</sup>

The first averment in the ninth article is true enough to deserve a place in the declaration of rights; But the residue of the said ninth article will bring to the mind of every one who has heard it, Mr. Ward's doggerel description of the Salem Fair, viz—

"There's a Fair at Salem, a little behind the Hill,  
Where something may be bought, if anything is to sell."

Besides, it is exceptionable for that it does not contain a compleat and entire aphorism in itself; but instead of being a foundation Stone, for the future Structure or frame of Govern-

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<sup>20</sup> "This article underwent long debates, and took Time in proportion to its importance; and we feel ourselves peculiarly happy in being able to inform you, that though the debates were managed by persons of various denominations, it was finally agreed upon with much more unanimity than usually takes place in disquisitions of this nature. We wish you to consider the Subject with Candor, and Attention. Surely it would be an affront to the People of Massachusetts Bay to labour to convince them, that the Honor and Happiness of a People depend upon Morality; and that the Public Worship of God has a tendency to inculcate the Principles thereof, as well as to preserve a People from forsaking Civilization, and falling into a state of savage barbarity." "An Address of the Convention to their Constituents," p. 10.

<sup>21</sup> "Joseph Hawley, the only political leader of Revolutionary Massachusetts whose religious views were broad and tolerant, made every effort to get a bill through the General Court to disestablish the Congregational churches but could not get it to a vote." Morison, *Mass. Hist'l Society, Proceedings*, Vol. 50, p. 376.



ment must wait on the after frame of Government for its sense, and its meaning is to be ascertained by a contingency, which when it falls, may give the article such a sense, as shall be very little declaratory of native and original equality of rights in the electors and elected. . . . And I pray any Gentleman concerned in constructing the Tenth article, to inform me what certainty or security he or I shall have by virtue of the said article that his or my property will not be very unreasonably and unjustly taken from us, by the consent of some future representative body, of the people, possibly to be applied to private uses, instead of publick, perhaps in direct repugnance to our natural right of protecting our property, declared in the first article; for we have no assurance from this tenth article that we shall ever have any hand, voice, or influence in the appointment of the body which may be denominated the representative body, of the people. And what assurance does this same article afford us, that we shall not be controlled by the most unreasonable and iniquitous laws, so long as it remains uncertain what body of men will be our constitutional representative body?

Notwithstanding anything contained in this article, or any other article of the declaration of Rights the constitutional representative body, who will have power to controul our liberty and dispose of our lives, may be such an one in whose appointment neither he nor I shall have had any vote, and what just expectation can such a representative body, of the people, or constitutional representative body, give us that whenever the public exigencies shall in their opinion require that our property shall be appropriated to what they will please to call publick uses, we shall receive a reasonable compensation therefor. It is also exceptionable for that instead of its being a part of the basis of what should be a proper structure, upon a bill of rights we must whenever that building shall be erected, resort to it in order to understand the sense, and meaning of this article. It therefore evidently appears to be only a well sounding declamation, rather than a certain firm and solid foundation of our property, rights and liberties.

The last paragraph of the twelfth article, and the necessary implication of the twenty-eighth article, are plainly repugnant to each other.

The fifteenth article is conceived in so uncertain terms and sentences as that not so much as the intention and design of the constructors of it, can be known, without their further explanation and comments: And therefore cannot be the foundation of any security to the subject, that his controversies with his fellow citizens concerning his private property, shall be tried by a jury. Besides, I think the declaration of rights ought to contain some certain and explicit security to every individual that all his disputes, and controversies concerning property, between himself and the publick or what will probably be hereafter called the Commonwealth, should be tried by a jury, which security I do not find explicitly provided for, in the bill of rights; for I do not take that provision in the twelfth article, to be sufficiently explicit, for that intent: the similar expressions in Magna Charta have not been understood to have such a meaning as to be a security for that purpose, they having been understood to relate to fines and amerciaments.

The twenty third article is no other than a repetition in different words of the sense of a part of the aforesaid tenth article and I think a plain tautology, if subsidies, taxes, imposts, &c are devices for the purpose of drawing property from individuals, for real or pretended publick uses.

In the frame of Government there are some things which to me appear extraordinary. And the first thing I shall mention is what relates to the dissolution of the legislative body, or General Court. In the second paragraph of the first article of the section intituled General Court, it is provided that the said body shall dissolve and be dissolved on ye day next preceding the last Wednesday in May, every year, (which in my ears is not very dissonant from that verse in the ballad: "Now is the Crisis and the Crisis is now," &c). In the fifth article of the section intituled Governor, it is also provided, that the Govern<sup>r</sup> with advice of council, *shall have power*, to dissolve the General Court on

the day next preceding the last Wednesday in May. And in the last paragraph of the same article, It is provided absolutely that the Governor shall dissolve the General Court on the day next preceding the last Wednesday in May. This provision seems to be as unconditional and peremptory as the first, namely that *the said Court shall dissolve and be dissolved*,—whether the Council shall advise to the measure or not. How far these three several provisions for the dissolution of the General Court, on the day next preceding the last Wednesday in May annually, when put together will verify the epithet of Tautological I submit to people of Common Sense.

But I shall nextly take notice of some particulars, which seem to me exceptionable on more serious accounts. And I observe that in the second article of the section intituled house of Representatives the number of rateable polls contained in the several towns are made the rule whereby to make certain, the number of Representatives which the several towns shall be intituled to elect and I take notice by the tax act last passed, by the General Court (and I am told the case has been the same in several preceding tax acts) negroe and mulatto slaves are made rateable polls, they are made rateable polls if all persons who by law are to be assessed as Polls are rateable polls, and they are truly denominated slaves if negroes and mulattoes under the government of masters or mistresses are slaves. Now Gentlemen, if this is the real intent of the said article that negro and mulattoe slaves are to be brought into the account to constitute the number of rateable polls, which are to intitle towns to elect Representatives, and if this was generally known and understood to be the meaning of that article; I really doubt whether one third of the voters in the state, would empower you to agree upon a time when a form of government containing that article, in its present form and tenor should take place.

I observe also that the fourth article of the same section which virtually excludes many freemen, natives of the State, and of the age of twenty one years and upwards from voting in the choice of the representative for the town where they are resi-



dent, and also the third article of the section intituled Governor which excludes the like persons from voting in the choice of a person for a Governor are demonstrably repugnant to the first, and fifth articles of the declaration of rights; I say demonstrably repugnant, because that repugnancy is as easily demonstrated as any proposition in Euclid or any other Geometrician or mathematician.

You may perhaps reply that such persons as are in effect excluded from voting in the said elections have been wont to be excluded from voting in elections in this and the neighboring governments: Pray Gentlemen consider did this, or any of the neighboring Governments enjoy Constitutions that were built on a bill of rights containing the same or articles really similar to the first and fifth articles afores<sup>d</sup>, upon which articles it is certainly proposed that the Convention intend to erect their frame or form of government. Gentlemen, when in the reading your frame of government I had arrived to the first declaration in the first article of the sixth chapter intituled "Oaths and Subscriptions" &c. which when it shall be exemplified and (put) in use, I suppose will stand thus, to-wit,

I, James Bowdoin, or John Hancock, or I James Warren, do declare, that I believe the Christian religion; and that I am seized and possessed in my own right of a freehold within the Commonwealth, of the value of One thousand pounds. . . . I say when I first attended to the said declaration I could not for my life help thinking that it sounded very like the constant charge of a quondam, first Justice of the Bristol Sessions, to the standing grand jury of that county, who, after some Common place dilations, on the wisdom and usefulness of the institution and the importance of their trust to the Country never failed of concluding his charge with the words following, To wit, Gentlemen, the chief heads of your enquiry ought to be whether the several towns in the county, are provided according to law, with Pounds, and Schoolmasters, Whipping-posts and ministers.

Gentlemen, when I seriously reflect upon the various blunders, errors, and important inconsistencies of the performance of that

part of your number assembled at Boston, the last Winter, intituled "A Constitution or form of Government for the Commonwealth of Massachusetts," and compare that declaration contained in their address to their countrymen, namely, That they intended the house Representatives as the representative of the persons, and the Senate of the property of the Commonwealth, with the articles wherein the qualifications of the electors both of representatives and senators are expressed; and also consider that their aforesaid second Resolve of the second of March last, taken in connection with their address to the country, amounts to a recommendation to the people that they should give their sanction to that work; and establish it, as the Civil and I may also say as the military Constitution of the Massachusetts Bay, that is in effect the main issue and fruit to be reapt and enjoyed from the vast expense, infinite sufferings and torrents of precious blood, of the more than five years war, undertaken and patiently sustained, that we might be happy in the secure fruition of rights and liberty, in this land. It appears to me that the only charitable account that can be given of such a result, is, that those *Gentlemen* of the Convention assembled at Boston as aforesaid were heavily oppressed with an honest dulness brought on by the long endurance of the uncommon severe cold of the season, in the want of the cordials and refreshment necessary to maintain that free motion of the animal spirits, necessary to clear ideas, liberal, generous and comprehensive thinking.

But be my conjecture mistaken or just, the plan recommended by them is most evidently greatly defective, and erroneous, and such an one will never do honor to the State nor be productive of the quietness and happiness of the Commonwealth. Pray Gentlemen, through the whole of this business remember that *Finis coronat opus*.

Through the shortness of my memory, I have omitted to make any remarks on the surprizing number of incompatibilities enumerated in the aforesaid sixth chapter: I am humbly of opinion that however necessary and judiciously selected some of them may be, others of them do no better merit a place in the frame

of Government than express provision that the offices of a Justice of the peace and of a church deacon should never be bestowed on one and the same man at the same time or that an innholder during his being in that employment should not in any case be a justice of the peace or selectman, would deserve to be inserted in such a work.

I am well informed, Gentlemen, that a majority of the voters in divers towns have been induced to give their sanction to the said form of Government with all its imperfections from an earnest desire that some form of Government may be more firmly established in the State, than that which at present is exercised, and that, unless we should immediately unite in (some) plan we shall fall into absolute anarchy and never unite in any form whatever. I am, Sir, fully satisfied that the danger of such an event, has been unreasonably and extravagantly magnified by divers individuals, and I think you may very safely rely upon it, that if you find that two thirds of the Voters voting in the several town and plantation meetings shall have passed in the affirmative on the said second resolve, If you should instead of ratifying the said form of Government agreed on at Boston last winter now proceed with the aids which you will probably have from the amendments proposed in the returns which you will receive, to fabricate a bill of rights, and a frame of Government, in execution of the powers and trusts with which you was invested by your original election, and when you shall have compleated the work should send it forth to the People for them to consider and pass upon, I dare venture to be responsible, that it will meet the approbation and affirmance of two thirds of your Constituents if that is necessary for its validity: Though I confess I have yet to learn, by what rule and principle of erecting Governments and establishing Constitutions any more than a Majority can become necessary: and I am not without fears that this departure from the first and fundamental principle of all societies and governments, viz, that the minority must submit in all cases to the will and judgment of the majority will soon be followed by disagreeable consequences, however desirable it may be that two thirds or



a much greater proportion of the people should concur in the same sentiments respecting a Constitution of Government.<sup>22</sup>

Pray Gentlemen suffer me very strongly to recommend to you a conformity to the original proposal of sending the model of Government, when compleated, to the People to be affirmed by them in the gross. The hands of the People without doors laid the foundation of this revolution: their hands ought also to finish it. But Gentlemen, the Strength, force and ( )<sup>23</sup> effects of Government do not depend upon the vote of two thirds of the people obtained by importunity and chimerical (fears) of the danger of immediate anarchy with all its horrors, in ( ) of an indigested loose and imperfect model of government; the clearness, truth and importance of the principles upon which it is founded and the wisdom and equity of the fundamental regulations for the choice and appointment of your legislative where the whole people who are to bear any part of the charge of the support of government and are the subjects of their legislation feel that they are free, and can clearly discern that they all have their just share and influence in such appointments; from whence a general content, satisfaction and acquiescence in the Constitution will obtain in the State. Otherwise upon short experience your State, commonwealth, country, or whatever you are pleased to call it, will be filled with murmurs and discontent and the aid which the people will give your Government will be feeble and with reluctance, and every wheel will labour and some wholly stop. And whatever tone your furious importunate and impetuous sticklers for a precipitate establishment of a new constitution may keep up, in case they should be lucky in obtaining offices and what they figure to themselves as honors upon new appointments,

<sup>22</sup> "It is not far from the truth to state that the constitution was referred to the people for their consideration and detailed vote, the consent of two-thirds being a prerequisite, but ratified by an adjourned session of the Convention, with a fresh popular mandate. An examination of the Convention's methods of tabulating the popular vote raises the suspicion that the two-thirds majority was manufactured." S. E. Moriso, *Mass. Hist'l Society, Proceedings*, Vol. 50, p. 354.

<sup>23</sup> The manuscript has been slightly damaged so that a few words are missing and some others are doubtful.—Editor.

the people in general will be discouraged, judge that they find a pitiful compensation for all their drudgeries, hazards and taxes, will apply to their own case the story of the Welchman's ( ) and will talk high of returning back into Egypt, to the encouragement, exultation, and triumph, of Tories; to the great disturbance, if not to the entire downfall, of your Government; and it ought always to be remembered, that Egypt will be ever ready to embrace them.

Therefore I beg of you Gentlemen to correct your bill of rights, make it clear, sensible and consistent throughout with the first all-important proposition of the afores<sup>d</sup> first article, to-wit, That all men are born free and equal; and to the second proposition, which is equal to the first, That all men have certain natural, essential and unalienable rights; Upon those two principles or propositions let all the following aphorisms of your declaration and all the articles of your frame of government, stand, as a simple well compacted building, upon a deep, broad, and immovable base. Pray give over the impossible (task) of endeavoring to make a religious establishment, (consistent) with the unalienable Rights of Conscience which you can no more effect, with precision and in clear determinate language that you can make a curve line parallel to a straight one.

Give to the People a personal Representative in the Legislative Body in the choice and appointment whereof, every freeman, an inhabitant of the State, of the age of twenty one years, that is to say, every person of competent judgment and capable of voting freely shall have a voice, hereby doing proper honour and paying due regard to the rights of human nature; and let us never more be puzzled and plagued and vexed with the jargon of a virtual Representation. Make a more ample provision if necessary that property should have a full representation and just weight, in the legislative, certainly it merits a great share: Let every adult free-man have his right given him, to vote for the Governour: Let the militia be gratified with a septennial choice of all their field and company Officers in the manner provided in the last plan: Be pleased to delete and wholly expunge your unprecedented un-

necessary and uncouth declaration, or confession of Faith, provided for your Governor, Lieutenant-Governor, &c: Make an absolute and unconditional provision in the frame of Government for a revision of the whole Constitution, at the end of seven years from the time of its Commencement and affirmance; provided always that such a revision shall never enure, be construed, or taken, to suspend or in any degree invalidate the whole or any part of the Constitution, until, and in such parts thereof only, wherein upon such revision it may be expressly altered.

When the last plan shall be corrected in the manner I have above proposed, I have no doubt but the Convention may with great safety to the State, and honor to themselves, dissolve and be dissolved, and send out their Constitution or plan of Government to be ratified by the People, agreeable to the original proposal of ye General Court; ordering the return of the doings of their Constituents to be made by a convenient day into the house of Representatives for the time being.

In this way of proceeding the Constituents will consider themselves as fairly treated, and under no appearance of a cunning departure from the original proposal and no more expense incurred. The consideration and remembrance that the validity of the plan, and its being ratified and sanctified as the Constitution of the State, is to depend upon the view and act of the people, will influence you, in spite of all your care and watchfulness, to construct a constitution in some respects different from what you would otherwise do.

Before, I conclude, Gentlemen, I beg to be indulged in one more observation, although it may appear to be somewhat out of place, to-wit, There seems to me to be an unreasonable and ungrounded antipathy to any use of the word freeman, as if it implied that there were slaves in the State: Would to God that it was not the case in truth, but we all know, that to our shame there are many such; and I fear it will take a Century, wholly to abolish and take away the inhuman, unjust and cruel practice, of enslaving our fellowmen. Why therefore shall we effect to conceal and cover what we are too unwilling to annihilate and put



an end to? Such disguises will not remove the shame and just reproach—while the iniquitous practice is notorious.

I have the honor to be, Gentlemen, with great esteem and veneration for the Convention your most obedient humble servant,

JOSEPH HAWLEY.

NORTHAMPTON, June 5, 1780.

Mess<sup>rs</sup> Draper and Folsom,

If upon perusal of the foregoing sheets you shall judge that the Contents (if published) will be for the good of your Country or minister edification or amusement to your customers—I give you full liberty to print the same, in your useful newspaper.

I am, Gentlemen, Your humble Ser<sup>t</sup>,

JOSEPH HAWLEY.

P. S. If you shall determine to Publish the Contents sheets, Pray let them come out as soon as your ( ) publication will admit—if you shall decide (not to ) them or publish them speedily, please to give them back entire to Mr. Wright the bearer.

J. H.

#### HAWLEY'S REASONS FOR DECLINING TO SERVE AS SENATOR<sup>24</sup>

*To the Honorable the Senate of Massachusetts:*

May it Please Your Honours,—The intelligence given me by the writ of summons under the hand of the President of Council; that I am chosen a Senator by a majority of the Voters of the County of Hampshire affords me a singular pleasure on two accounts. The one is that an election to that high trust by a majority of the unsolicited suffrages of the voters of the County is a genuine proof of the good opinion of the people of my dear County. The other is, that fair occasion that it gives me to bear a free and public testimony against one part of our glorious constitution. I style it glorious, altho', I humbly conceive it has

<sup>24</sup> See above, p. 12.

several great blemishes, on account wherof it will, until corrected, be liable in my poor opinion to very weighty exceptions; but still it remains glorious on account of the great quantity of excellent matter contained in it.

That part of the Constitution this event enables me not impertinently to except is the *Condition* or *term* which (the) Constitution holds every one to, who has the honor to be elected a Member of the General Court of Massachusetts before he may (as is expressed in the Constitution) *proceed to execute the duties of his place*. Be the person ever so immaculate and exemplary a Christian; altho,' he has in his proper place, that is, in the Christian Church, made a most solemn, explicit, and public profession of the Christian Faith, tho' he has an hundred times, and continues perhaps every month in the year, by participating in the Church of the body and blood of Christ practically recognized and affirmed the sincerity of that Profession, yet by the Constitution he is held, before he may be admitted to execute the duties of his office to make and subscribe a profession of the Christian Faith on declaration that he is Christian. Did our Father Confessors imagine, that a man who had not so much fear of God in his heart, as to restrain him from acting dishonestly and knavishly in the trust of a Senator or Representative would hesitate a moment to subscribe that declaration? *Cui bono* then is the Declaration?

The extraordinary not to say absurd condition, brings fresh to my mind a passage in the life of the pious learned and prudent Mr. John Howe one of the strongest pillars of the dissenting interest in the reign of Charles the 2nd and James the 2nd. The history is as follows, that Mr. Howe waiting upon a certain Bishop, his Lordship presently fell to expostulating with him about his nonconformity. Mr. Howe told him he could not have time without greatly trespassing on his patience to go through the objections he had to make to the terms of Conformity. The Bishop pressed him to name any one that he reckoned to be of weight. He thereupon instanced in the point, reordination. Why pray, Sir, said the Bishop, what hurt is there in being twice ordained?

Hurt, my Lord, said Mr. Howe to him; the thought is shocking; it *hurts* my understanding. It is an absurdity for nothing has two beginnings. I am sure said he I am a minister (of) Christ and I am ready to debate that matter with your Lordship if you please; and I cannot begin again to be a minister.

Besides this term of executing the duties of the Place is against common right and (as I may say) the natural Franchise of every member of the Commonwealth, who has not by some crime or deliction forfeited his natural Rights and Franchises. It moreover reduces the ninth article of the Declaration of Rights to a mere futility and in such a connection it would be for the reputation of the declaration of rights if that same ninth article was wholly expunged. More than that the said condition is plainly repugnant to the first great article of the said Declaration. I am ready to debate that matter with any Doctor who assisted in framing the Constitution either in convention or without doors. The said Declaration of Faith to be subscribed which constitutes the said impolitick and unrighteous condition will I believe ever sound in every good ear almost as unearthly as the Sessional Justice's famous charge to the standing Grand Jury. Let us hear them successively. I do declare that I believe the Christian Religion and have a firm persuasion of its truth; and that I am seized and possessed in my own right of the property required by the Constitution. Gentlemen of the Grand Jury, you are required by your oath to see to it, that the several towns in the County be provided according to law with Pounds and Schoolmasters, Whipping posts and Ministers. Each containing an odd jumble of sacred and profane; but to me the charge gingles best.

By the Constitution of the Commonwealth of Massachusetts I am, may it please your Honors one of the Senators and I am strongly disposed according to my poor abilities, to execute the duties of my office but (by) the unconscionable not to say dishonorable terms established by the same constitution, I am barred from endeavouring to perform these duties. I have been a professed Christian nearly 40 years, and altho' I have been guilty of many things unworthy of that character whereof I am ashamed.



ed; yet I am not conscious that I have been guilty of anything wholly inconsistent with the truth of that profession. The laws under the first charter required of the subjects of that State in order to their enjoying some privileges that they should be members in full communion of some Christian Church. But it never was before required in the Massachusetts Bay that a subject in order to his enjoying or exercising any Franchise or office should make profession of the Christian Religion before a temporal court.

May it please your honors, We have all heard of a Lieut. Govr. of the Massachusetts Bay and some of us have known him very well who contended long and earnestly that he had a right to a seat in council without a voice.

I imagine that I can maintain a better argument than he did, that I have a right to a seat in the Senate of Massachusetts without a voice, but at present I shall not attempt to take it.

I am, may it please your Honors, with the greatest respect to the Senate, Your most obedient humble servant,

JOSEPH HAWLEY.

Octr. 28th, 1780.

## REFERENCES

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- Adams, John, "Works." Edited by Charles Francis Adams, 10 Vols., Boston, 1850-1856.
- "An Address of the Convention for Framing a new Constitution of Government for the State of Massachusetts Bay to their Constituents." Boston, 1780.
- "The Constitution and Frame of Government." Sent out by the Convention, 1780.
- Frothingham, Louis Adams, "A Brief History of the Convention of Massachusetts." Boston, 1916.
- The Journal of the Convention. Boston, 1832.
- Parsons, Theophilus, "Memoir of Chief Justice Parsons," by his son. Boston, 1859.
- Morison, Samuel Eliot, "Struggle over the Adoption of the Constitution of Massachusetts, 1780." In "Proceedings" of the Massachusetts Historical Society, Vol. 50, May, 1917.
- Northampton Town Records, Book No. 3.
- Trumbull, James Russell, "History of Northampton." Vol. 2, Northampton, 1898-1902.

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# Smith College Studies in History

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JOHN SPENCER BASSETT  
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*Editors*

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## FINANCES OF EDWARD VI AND MARY

*By* FREDERICK CHARLES DIETZ

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NORTHAMPTON, MASS.

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## BIBLIOGRAPHICAL INTRODUCTION

For information about the history of Tudor finances students go to Stephen Dowell's elaborate general work, "A History of Taxes and Taxation in England" (4 volumes, London, 2nd Edition, 1888). In the chapters dealing with the Tudor period Mr. Dowell's hypotheses are incorrect, and his facts very incomplete. Above all he is interested in the "how" of things, and pays little attention to the "why." Some general observations supplementary to Dowell are made by W. Cunningham in "The Growth of English Industry and Commerce" (3 volumes, Cambridge, 5th Edition, 1910).

A few special phases of the subject have received detailed study. George Schanz treats the commercial policy of Henry VII and Henry VIII, and incidentally the history of the customs revenues of their reigns in his masterly "Englische Handelspolitik gegen Ende des Mittelalters" (2 volumes, Leipsic, 1881). A valuable contribution is N. S. B. Gras's little article, "Tudor 'Books of Rates': a Chapter in the History of the English Customs," (Quarterly Journal of Economics, Vol. XXVI [1912-13], pp. 766-775). Like the customs, the coinage has been specially investigated. The best account dealing with the period covered by this essay is Professor C. W. C. Oman's "The Tudors and the Currency" (Translations of the Royal Historical Society, New Series, Vol. IX).

On the organization of the English revenue system in the Middle Ages much has been written, but little attention has been paid so far to the revolutionary changes made in that organization under the Tudors. "The Ancient Exchequer of England," by F. S. Thomas (London, 1848), embodies a shrewd suspicion of the character of these changes; but Mr. Thomas had at his disposal only a few of the documents which have since been made accessible. Very recently there seems to have arisen in England a new interest in the organization of the revenue system in Tudor times. In 1916 appeared Mrs. Eric George's "Note on

the Origin of the Declared Account" (*English Historical Review*, Vol. 31, pp. 41-58), and more recently A. P. Newton published his "The King's Chamber under the Early Tudors" (*English Historical Review*, Vol. 32, pp. 348-372). Mrs. George's article is deficient in that she has not gone back far enough, nor far enough afield to discover the real nature or the origin of the declared account, which are to be found in the most unsuspected classes of records. Mr. Newton is familiar with all the important records, especially the account books of the Treasurer of the Chamber; but he has not analyzed closely enough their entries.

In the nature of things, then, the materials from which this essay on the finances of Edward VI and Mary is built must be almost exclusively documentary. Of the printed documents, by far the most valuable are the "Acts of the Privy Council," owing to the very important part played by the council in the government of the country and the formulation of policies during the two reigns. Upon important matters, however, in which it is certain that the council acted, the registers are provokingly silent. It is annoying, too, to find mention made of minutes and letters which have disappeared. Of almost equal worth for the reign of Edward VI's latter years, is "Edward VI's Journal" (Clarendon Historical Society Reprints, 1884), and those other papers which he drew up with his own hand, published, together with his journal, as the "Literary Remains of Edward VI" (2 volumes, Roxburghe Club, 1857). As each new financial measure was explained to the king, it was noted in his journal. In the last year of his life, when the financial situation was very bad, he drew up papers of suggested remedies.

The "Statutes of the Realm" are of course very valuable. The preambles of acts, especially of the subsidy act of 1553, must however be used with great caution. The "Journal of the House of Commons" occasionally hints at opposition to royal measures, but the nature of the debates is never indicated. The "Journal of the House of Lords," more unsatisfactory still, gives most of its space to the long lists of the peers present at each session, with a bare table of the bills taken up.

The great collections of manuscripts and documents calendared in the "Historical Manuscripts Commission's Reports" are very disappointing, yielding almost nothing for the purposes of this paper. The contemporary chronicles, like the "Greyfriars' Chronicle" and "Wriothesley's Chronicle," published by the Camden Society, are almost equally valueless. The "Calendar of State Papers—Domestic," covering Edward's and Mary's reigns is not more than a finding list: the original documents in the Record Office in London must be used in all cases.

The most important sources of this paper are unprinted documents. These are, first, the state papers in the Record Office, together with the manuscripts in the British Museum gathered in the Lansdowne, Cottonian, Harleian and other collections. These consist of letters exchanged by the great government officials on the business of the state, their private memoranda, of minutes of the work of committees of the Privy Council, of accounts which have strayed from their proper places, and of transcripts of accounts, made in the time of James I, the originals of which are now lost.

The second class of unprinted documents consists of the great series of accounts of the financial system. To understand them, a brief description of the organization of the financial system in the middle Tudor period is essential. By the development of the changes initiated by Henry VII, the revenue system consisted in Edward VI's reign of a number of treasuries and courts of audit, independent of each other. These were the Exchequer, the Court of the Duchy of Lancaster, the Treasury of the Chamber, the Court of Augmentations and Revenue, the Court of First Fruits and Tenths, and the Court of Wards and Liveries. At the head of the system was the king, or in his place the council by delegation of crown powers in Henry VIII's time. To the crown in council each court was responsible for the accounts of all receipts and disbursements of its revenues. These accounts were rendered to the council in the form of the declaration of accounts of the chief officers of the several courts. In the Exchequer this declaration was made in Henry VII's,



Henry VIII's and Edward VI's reigns by the chancellor of the Exchequer, in the form of the "Declaration of the State of the Treasury," beautifully written on vellum. One volume only remains for Edward VI's time, for the year, Michaelmas, 1550-1551 (Record Office, Exchequer of Receipt, Declarations of the State of the Treasury, Vol. 27). When the disbursements of the exchequer became more diversified after 1544, a supplementary paper was drawn up by the clerk of the chancellor, the auditor of the receipt, showing the disbursements especially upon warrants of the council, which were not included in the vellum declarations. A volume of these auditor's declarations of issues is preserved for the years 1544 to 1560 (R. O., Exch. of Rec., Misc., 259), and is the only source for the most important Exchequer disbursements in these years. In Mary's time the vellum declaration of the chancellor was replaced by a smaller paper declaration of the clerk of the pells, showing receipts only. The volume containing the receipts of the years 1556, 1557 and of Hilary term, 1558, is preserved. (R. O., Exch. of Rec., Declaration Books, Pells, Vol. 1.) There may have been a parallel declaration of receipts made by the chancellor's clerk, the auditor of the receipt, since there is preserved a series of such declarations for Elizabeth's reign. The chief source for Exchequer receipts in our period is a very much condensed Jacobean copy of Exchequer receipts from Easter, 1547, to Michaelmas, 1555, preserved in the British Museum (Lansdowne MSS., Vol. 156, ff. 168).

The declaration of the receiver-general of the Duchy of Lancaster, showing his total receipts and expenditures for the year, and the natures of these, was a thin book of large vellum sheets, entitled *Compotus*. Except for the year 1549-1550, the series is complete for the two reigns, with two small paper duplicates. (R. O., Duchy of Lancaster, Accounts Various, Bundle VIII, 13 volumes.)

The Treasurer of the Chamber lost his former importance with the merger of the Court of General Surveyors, of which he was treasurer, with the Court of Augmentations on January 1,

1547. He remained treasurer only of the revenue of the Hanaper of Chancery. To enable him to meet his payments to the king's servants and officials additional sums were issued to him from the Exchequer and other courts. One of his account books for the year 1547-1548 is published in the Trevelyan Papers, Volume 67, of the Camden Society Publications, pp. 191ff. No declaration of his exists in the latter part of Henry VIII's reign, or in Edward VI's time, but there is an account for the years 1557 to 1579. (R. O., Declared Accounts, Pipe Office, 541.)

The treasurer of the Court of Augmentations prepared for the council a *Compotus* of the receipts and issues of his office. Owing to the immense amount of business noted, the *Compoti* of the Augmentations Court are great unwieldy volumes of large leaves fastened at the top. The series is complete to the dissolution of the court in 1554, and its amalgamation with the exchequer. (R. O., Augmentations Office, Treasurer's Rolls of Accounts, numbers 4-10 inclusive.)

The accounts of the treasurer of the Court of First Fruits and Tenths are elusive. There is in the British Museum a Jacobean copy of the declaration of the treasurer for the year Christmas, 1547, to Christmas, 1548 (Lansdowne MSS., Vol. 156, f. 164). In 1554 the court was amalgamated with the Exchequer. Remembrancers of First Fruits and Tenths conducted the former business of the court: their account for Mary's reign is preserved. (R. O., Exchequer, Queen's Remembrancer, Accounts 520/28.

The general accounts of the Court of Wards and Liveries were delivered to the council in the form of the *Compotus* of the receiver-general of the court. For the two reigns the *compoti* are collected in several volumes; and bound with them in the same volumes are the rough entry books of the receiver-general's clerk. (R. O., Court of Wards, Misc. Books, Vols. 363, 364, 365, 366, 367.)

Before the crown in council were compelled to appear also the officials entrusted with the expenditures of royal money for special purposes, like the treasurers of war and the surveyors of

victuals, the special agents of the government abroad who managed the foreign loans and purchased supplies, and the treasurer of the mint. Their accounts were examined and audited in Edward VI's reign by the two auditors of the prests who were then attached to the Court of Augmentations; in Mary's time by specially appointed auditors. The accounts, drawn up in a very special form, in triplicate, and in English, were known as "Declarations of the Account," and differed essentially in form and simplicity from the old Latin *Compoti* of the Exchequer. When approved by the auditors they were formally passed by commissioners of the council appointed from time to time, or on specific occasions for this purpose, and signed or even sealed by them. The most important series of accounts of this kind are those of Sir Edmund Pekham, High Treasurer of the Mint. He accounted for not only all the profits of the debasement of the coinage, but for forced loans, and for money coming from the sale of lands. He disbursed very large sums for many special purposes for which the ordinary treasurers could not provide. (R. O., Declared Accounts, Pipe Office, 2077, 2079, 2080.) Of great value too are the accounts of Sir Thomas Gresham, and other agents, showing their loan transactions in Flanders. (R. O., Declared Accounts, Pipe Office, 14, 17, 18, 23, 26, 43.) For the study of the foreign loans these accounts are supplemented by the original cancelled bonds and sureties given by the crown and the City of London to the Flemish creditors. (R. O., Treasury of Receipt, Letters Patent for Loans, Bundle 4.) Other declarations of accounts are those of the various treasurers of war. (R. O., Declared Accounts, Audit Office, Bundle 283.)

From time to time the council ordered special statements of the revenues of the whole kingdom, or special reports, to be presented to itself. Such are the "Brief declaration of the whole military and naval expenses incurred by Henry VIII and Edward VI during their wars with France and Scotland" (State Papers, Domestic, Edward VI, Vol. XV, No. 11), the register of all gifts, exchanges and purchases of crown lands in every year of King Edward VI (State Papers, Domestic, Edward VI, Vol.



XIX), the report on the state of all the revenues for the year 1550-1551 prepared by a special committee of the council (British Museum, Additional MSS., 30,198; Harl. MSS., 7883, No. 1); and the list of all the fees and charges of the government in Edward's reign (British Museum, Stow MSS., 571, No. 1). To these may be added possibly the account of arrears of first fruits and tenths due from the incumbents of various benefices drawn up by the Treasurer of First Fruits and Tenths in 1552 (State Papers, Domestic, Edward VI, Vol. XVI), and the valors of crown lands in the several counties dating from Mary's reign (R. O., Augmentation Office, Misc. Books, 167).

The several courts and treasuries kept varied series of account books and rolls of their own. For the purposes of this essay the most important of these are the rolls of the Exchequer of Account. The Pipe Roll is continued through the period; but as only the formal feudal revenues were entered in it, it is of little value. In Edward III's time accounts foreign to the sheriff's jurisdiction, which had previously been placed at the end of the accounts in the Pipe Roll, were enrolled on the Roll of Foreign Accounts. In Henry VII's time many of the accounts previously entered in the Foreign Roll were transferred elsewhere; through Edward VI's reign the foreign roll affords nothing. But in the directions and regulations which Mary provided for the amalgamation of the Augmentations and Exchequer courts, she directed that accounts passed by the commissioners of the council should be enrolled in the Foreign Roll. Only a few such accounts were so enrolled; but a number of accounts, like those of the clerk of the Hanaper of Chancery, of the chief butler, and of the mayor and constable of the Society of the Staple reappear. (R. O., Exchequer, Lord Treasurer's Remembrancer, Foreign Roll, No. 120). The customs dues and subsidies were enrolled in the customs rolls (R. O., Exchequer, L. T. R., Enrolled Accounts, Customs), the subsidies and fifteenths and tenths granted by parliament in the subsidy rolls (R. O., Exchequer, L. T. R., Enrolled Accounts, Subsidies, No. 44), and the accounts of the expenditures in the royal household and wardrobe in the wardrobe

and household rolls. The roll covering the period is misplaced; instead of being roll No. 11 in the Lord Treasurer's Remembrancer's office enrollments of household and wardrobe accounts, it is found among the declared accounts in the Pipe Office (R. O., Declared Accounts, Pipe Office, No. 1795). This roll contains the complete household accounts from 1547 to 1601, but only a few wardrobe accounts. The original wardrobe *compti* not enrolled are preserved among the declared accounts (R. O., Declared Accounts, Pipe Office, No. 3027-3032).

# Finances of Edward VI and Mary

## CHAPTER I

### THE SCOTCH AND FRENCH WARS, 1547-1550

The complicated nature of the finances of the English government during the Tudor period is not yet understood, nor is the importance of their bearing upon the general history of the times recognized. The reign of Henry VII and the early part of Henry VIII's reign saw the erection of a new revenue system, adequate for a moment to the needs of the government. Between 1542 and 1553 this new system was disintegrated and its adequacy destroyed. This nullification of the work of Henry VII and of Cromwell, as it was completed in the reign of Edward VI, and the first attempts to rehabilitate the remaining resources of the state in Mary's reign are the subjects of this essay. The events of these years have a wider interest, in that they serve as a basis for understanding the parsimony of Elizabeth, and the difficulties of James I.

In his admirable volume in the "Political History of England" series, Mr. A. F. Pollard thus summarizes financial conditions at the beginning of Elizabeth's reign: "The financial situation was deplorable. Royal expenditure, which was about £56,000 a year at the end of Henry VIII's reign, had risen to to £65,000 before the end of Edward VI's, and during Mary's had grown to £138,000 in 1554-55, £213,000 in 1555-56, £216,000 in 1556-57 and £345,000 in 1557-58. In the last financial half-year of Mary's reign, from Easter to Michaelmas, 1558, she had spent £267,000, or at the rate of £534,000 a year, and she left a debt of nearly a quarter of a million. To meet this unprecedented outlay, parliament in 1558 had granted one subsidy,<sup>1</sup> one-tenth,

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<sup>1</sup> The subsidy was a tax of two, three or four shillings in the pound of the value of income from land, payable in two, three or four years, together with a tax of two shillings and four pence in the pound of the value of personal property, payable in two years. Individuals paid according to their greatest worth either in lands or goods, on either their lands or goods, but not on both.



and one-fifteenth.<sup>2</sup> The old tenth and fifteenth had through the power of resistance possessed by the shires and towns on which it was levied been reduced to a fixed sum of about £32,000,<sup>3</sup> which far from increasing with the wealth of the country, rapidly decreased in value with the rise in prices and decline in purchasing power of gold and silver owing to the influx of precious metals from the New World. The subsidy designed to meet this growing deficiency produced at first about £120,000; but, in spite of its assessment upon the weaker individual, and of its collection by royal officials instead of by the nominees of members of parliament, the subsidy tended to diminish in productiveness. Paget in 1544 calculated that a subsidy would yield £100,000; probably it yielded less in 1558, and at the end of Elizabeth's reign produced only £80,000. The clergy at the same time granted eight shillings in the pound, which may have amounted to some £35,000. The parliamentary grants of 1558 would thus have realized about £160,000, and it is little wonder that Philip complained of their inadequacy. The forced loan yielded £109,000, the ordinary feudal dues were worth perhaps £50,000 a year; and the customs duties even after the increases imposed by Mary, were farmed at only £24,000. These would bring the revenue in 1558 up to about £345,000; but the deficit, even when reduced by the profits of jurisdiction and by fines for renewal obtained through the revocation of all grants and patents from the crown, cannot have been much less than £150,000; and Mary's expenditure during her last year must have exceeded her revenue by nearly 40 per cent. Her predecessors, Henry VIII and Edward VI, had made a fraudulent profit of something like a million by the debasement of the coinage; but that source of revenue was exhausted, and in 1558 Mary was

<sup>2</sup> The fifteenth and tenth was originally a tax of the fifteenth part of the value of movable goods of those persons living in the shires, and of the tenth part of such value of persons living in cities or on the ancient demesne lands.

<sup>3</sup> The yield of a fifteenth and tenth was actually only £29,000. See appendix.

with difficulty raising loans at the ruinous rate of 14 per cent, dispensing for that purpose with the usury laws."<sup>4</sup>

Mr. Pollard's summary, which represents the best modern scholarship is incorrect in detail and in essence. He shares with other scholars the fundamental misconception of the importance of direct taxes, the parliamentary fifteenth and tenth, and subsidy, during the sixteenth century.<sup>5</sup> This misconception goes back to the discussion of the powers of parliament in the early days of the Long Parliament, when to exalt these powers by a challenge of precedents, the importance of direct taxes and the effect of parliamentary control over direct taxation was unduly magnified. Direct taxes of parliamentary grant were not important parts of the normal governmental income in the sixteenth century. As in Lancastrian times they were regarded as extraordinary revenues granted by parliament only in times of extraordinary expenditure to help meet the costs of war. Direct taxes were war taxes, and were not counted upon to meet the normal costs of government.

The Tudor revenue system had an entirely different basis. In the last analysis governmental revenue systems are efforts to turn the chief forms of wealth of the country most efficiently to the support of the state, with due regard for the prevailing political idea or theory. Their nature varies with and corresponds, sometimes tardily, to the changing economic development and organization of the country. In the Middle Ages, when communication was poor, the country economically disunited, and the state in general weak, feudal aids and incidents, the profits of jurisdictions and the farm of the demesne lands of the king by the sheriffs were the most effective means of diverting the wealth

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<sup>4</sup> A. F. Pollard, "History of England from the accession of Edward VI to the death of Elizabeth," 186-187.

<sup>5</sup> A bald statement of the importance of these direct taxes is to be found in his "England under the Protector Somerset," 48-49. "The ordinary royal income was still derived from the ancient taxes, tenths, fifteenths and subsidies. There was also the right of purveyance but \* \* \* the value of this right had been greatly reduced." See also E. Lipson, "The Economic History of England," 518ff., and W. Cunningham, "Growth of English Industry and Commerce," 295ff., 547ff.

of the country, in its form of land, to the support of the government. But toward the close of the fifteenth century, communication improved, money economy had developed rapidly, England became more economically unified, London became the economic, as well as the political, capital of most of England. The extension of the domestic system in the fifteenth century and its national regulation by the truck act of 1465, the regulation of the corn trade by the government, the parliamentary recognition of craft guilds, the protection of native artisans, and the complete adoption by the Tudors of a mercantilist policy foreshadowed in the legislation of Richard II, are special phases of the expansion of the economic unit, and the nationalization of the economic life of the country. This larger unification made possible a more effective means of turning land—at the outset of the Tudor period, still the chief form of wealth—to the support of the state. It was now possible for the crown to manage directly from London, and to receive in money payments, the rents and issues of vast estates owned by the crown in the several counties. These lands and manors owned by the crown, in which the demesnes were let on leases for money rents, and the peasant holdings were under the direction of royal bailiffs and stewards, the whole overseen by crown surveyors controlled directly from London, became the basis for the Tudor revenue system. The beginnings of this new system, which supplanted the feudal revenue system, reach back into the early fifteenth century or before. The duchies of Lancaster and Cornwall foreshadowed the new; the confiscations of Edward IV were a groping toward it. Richard III definitely outlined a comprehensive plan for the accumulation of crown lands; Henry VII, favored by the political circumstances attending his accession, immediately put this or a similar plan into practice. By the great confiscations of the reign; by renewed insistence on feudal dues, not merely with a view to the small casual revenue which these yielded, but to establish the legal claim of the crown to eventual forfeiture or escheat; by the resumptions and confiscations of the early part of Henry VIII's reign, and by the annexation of the monastic lands and estates



and the first fruits and tenths of the clergy to the crown, the royal domain had been built up. At the time of Cromwell's fall it was so great as to provide a revenue free from parliamentary interference, directly under the control of the king, sufficient, with the addition of the customs dues and other older revenues to meet the normal expenditures of the English government.

In his recent brilliant synthesis of English history, Mr. G. K. Chesterton makes the point that the dissolution of the monasteries was in fact the robbery of the church by the rich. If Mr. Chesterton had thought it worth while to acquaint himself intimately with the facts, he would have known that the dissolution was merely a phase of the policy, continuously followed since 1485, of making landed estates the basis for the crown revenue system. At its origin the policy had involved an attack upon the rich, with their humiliation and reduction to poverty and impotence. The rich of the fifteenth century, the old baronage, had ceased to exist as powers in the state. The new class, which Henry VII and Henry VIII called to their aid, included the highly trained and skilled officials, the unscrupulous intellectuals, the *legistes*, like Empson and Dudley, Cromwell, Paget, and Wriothesley. Though the ability of such men alone enabled Henry VIII to break with Rome and carry through the tremendous work of the dissolution, their first rewards were very modest. As the monastic estates had been confiscated to provide increased revenue for the crown, it is natural to find that only a very small portion of them was alienated from the crown before 1540, or 1542, when new circumstances arose.<sup>6</sup>

The new revenues were not managed or accounted in the Exchequer, where the medieval tradition and vested rights were too strong for improvement. New courts were created from time to time, the Court of the Duchy of Lancaster, the Court of General Surveyors, the Court of Wards and Liveries, the

<sup>6</sup> The extent and nature of the early grants of the newly acquired monastic lands to crown favorites is studied at some length in my "Finances of Henry VII and Henry VIII," (Harvard University Theses, 1916).—F. C. D.

Court of First Fruits and Tenths, and the Court of Augmentations. Each had its own treasury and accounts, independent of the others. All their several records must be examined to study the financial history of the Tudors. They show that the normal crown income which had been £32,000 from all sources in 1485 was increased to somewhat more than £200,000 a year in 1540.<sup>7</sup> To meet the ordinary expenses of the state, the charges of the royal household and wardrobe, the salaries of the officials of the revenue courts, of the officers and ministers of justice and of the secretaries of the king, the charges of the admiralty, ordnance department, armory and mint, the wages of the guards and yeomen of the crown and chamber and of the soldiers of the garrisons, £145,000 a year was required in 1540. The surplus income was paid into the king's own coffers. Such are the figures of the normal income and outgo.

But the ordinary receipts and expenditures of the English government were the least important part of the national budget during the last five years of Henry VIII's reign. In 1542 war was declared between Scotland and England, and in 1543 between France and England. To the last day of Henry VIII's reign, the Scotch war had cost £350,263; the French war, for the siege of Boulogne £586,718, for the keeping of Boulogne £426,306, for the extraordinary expenditures at Calais and Guisnes (besides the charges of the peace establishment there), £276,764, for the navy £265,024, for the new forts and garrisons in England, required against the threat of invasion, £203,205. In all, the Scotch and French wars had taken £2,108,282 in the last years of Henry VIII's reign. Part of this money was provided out

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<sup>7</sup> Ordinary income for the average year in the decade 1536-1546: Revenues in the Exchequer, from customs dues and subsidies, and from the old feudal revenues managed by the sheriffs, £32,000. In the Court of the General Surveyors, from the non-monastic crown lands acquired by Henry VII and Henry VIII, £38,000. In the Duchy of Lancaster, £13,000. In the Wards and Liveries Court, £8,500. In the court of First Fruits and Tenths, from first fruits and annual tenths, £52,200; from clerical subsidies (each year after 1540), £21,000. In the Court of Augmentations, rents of monastic lands, £61,300. Total average yearly income £185,000, with £21,000 additional in each year after 1540 for clerical subsidies.

of the surplus funds which the king had heaped up in his own coffers since 1535.<sup>8</sup> Part was provided by the subsidies, and fifteenths and tenths granted by parliament.<sup>9</sup> The benevolences and forced loans of 1542, 1543, 1545 and 1546 returned several hundred thousand pounds,<sup>10</sup> while some money was borrowed of the Fuggers and other bankers in Flanders. But the chief additions to the royal income during these years came from the profits of the debasement of the coinage,<sup>11</sup> and from the sales of the monastic lands. Without question the intention of the king and of Cromwell at the time of the confiscation of the monasteries was that they should remain in the crown possession for the most part, as permanent "endowments" and sources of revenue. But with the war the period of the great alienations of these newly acquired lands began, not as free grants and gifts to royal favorites, but by sales at good prices, generally twenty times the yearly value, to provide money to enable the wars to be carried on.<sup>12</sup>

The debasement of the coinage and the sale of monastic lands were unsound financial expedients. The alienation of monastic estates and the reduction of lands in crown possession seriously reduced not only the immediate revenue from the crown lands, but their future potentiality, and really began the defeat

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<sup>8</sup> British Museum, Lansdowne Rolls, No. 14, account of Edmund Denny, keeper of the palace of Westminster from April 22, 1542 to 1548.

<sup>9</sup> The subsidy granted in 1540, payable in 1541 and 1542, yielded £94,460; four fifteenths and tenths of 1540 payable in 1541, 1542, 1543 and 1544, £117,497; the subsidy of 1543, payable in 1544, 1545 and 1546, £183,271; the first payment of the subsidy, of 1545, payable in 1546, £105,766; the first fifteenth and tenth of 1545, payable in 1546, £29,539.

<sup>10</sup> The forced loan of 1542, £112,229; the "Devotion Money" of 1543, £1903; the benevolence of 1545, £119,581; the "Contribution" of 1546, no record.

<sup>11</sup> The debasement of the coinage profited the crown £363,000 from May 1, 1544, to the end of Henry VIII's reign. Record office, Declared Accounts, Pipe Office, 2077.

<sup>12</sup> Between Michaelmas, 1542, and Michaelmas, 1547, £518,000 was received from the sales of monastic lands.



of Henry VII's great plan.<sup>13</sup> The debasement of the coinage aided in enhancing the price of all commodities which the government was buying in great quantities to supply its armies. Prices were already rising in England before the debasement began, as a result of the price revolution,<sup>14</sup> but the upward tendency was greatly accelerated by the debasement. The effects of the price revolution and of the debasement are so inextricably connected in Edward VI's and Mary's reigns that it does not seem possible to disentangle them. But the general rise in prices due to the two causes was serious for the government. Inasmuch as the crown lands were rented on long term leases, it was not possible for the government to increase its rentals at once to correspond with the lower value of money. Similarly for the other revenues. There was a kind of poetic justice in the situation. The crown cheated the people to get immediate funds; it had to take back the poor money in payment of its revenues at its face value; it had to pay at increased rates for all its supplies; the real value of the revenue expressed in terms of purchasing power was seriously reduced.

The wars of Henry VIII with France and Scotland had seriously strained the government's resources when Edward VI became king of England. Besides the permanent reduction of the revenue by the great alienations of crown lands, and the increased expenditures induced by the rise in prices, there was a debt of £80,000 owing in Flanders; Boulogne was a heavy burden on the state; the costs of the upkeep of the fleet, the garrisons, and the fortifications at Calais, Berwick and other places were large.<sup>15</sup> But the wars did more. By them the business of the

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<sup>13</sup> In the years between 1540 and 1544, both inclusive, the average rental of monastic lands alone had been about £44,000. In 1545 it fell to £32,739; in 1547-48, the first year of Edward VI's reign, the entire rental of all crown lands, monastic and non-monastic, was only £51,058. R. O., Augmentations Office, Treasurer's Rolls of Accounts, Nos. 1-4.

<sup>14</sup> The working of the price revolution began to be noticeable in the expenditures of the English government about 1538, when there is a sudden upward movement in the expenses of the royal household.

<sup>15</sup> R. O., Exch. of Rec., Misc. Books, 259, Teller's declarations of issues in the Exchequer, 1544-1560.

state was so tremendously increased, that even if the king had not been growing old, it would have been a physical impossibility for him to guide and direct all its manifold activities himself. As it was, the state was turned over to the official class, who as members of the council assumed more and more completely the management of affairs. Creatures of Henry VIII, as long as he lived they stood in fear of him, but the accession of a child king left them in absolute control of the state. They had been rewarded by Henry VIII, adequately at first, more richly in the latter years. They were rich, but not yet so rich as they were to make themselves. It must not be supposed that they crudely stole government money from the treasury. They solemnly and in all legal form conveyed to themselves the basic resources of the state, the crown lands, as fitting rewards of the grateful boy king to themselves for their toils endured in the onerous business of government. Before Henry VIII was dead a week Paget produced a list of promotions and grants intended, as he alleged, by Henry. From year to year huge blocks of land were thus voted by the council to themselves and their retainers; throughout the reign of Edward VI lands to the annual value of £27,000 were thus disposed of as free gifts.<sup>16</sup> These lands, greater in extent than the land sold during the reign, were permanently lost to the crown for practically no return at all, and the revenues reduced. This was all the more serious for the future, for as rents and values rose these lands would have brought an ever increasing revenue. Another serious evil was the promiscuous granting of annuities and pensions and lands for life to royal favorites. Edward VI's government was following a practice of Henry VIII's and earlier reigns in this; many of the pensions and annuities paid in Edward VI's time had been granted by his

<sup>16</sup> R. O., State Papers, Domestic, Edward VI, vol. XIX. In the first year of the reign gifts were made of lands to the annual value of £5721-13-8; in the second year £3358-13-9; in the third year £1257-6-2; in the fourth year £8804-19-10; in the fifth year £3991-10-8; in the sixth year £3442-13-10; in the seventh year £4099-17-11. Rents to the value of £3619 were reserved.

father. To provide for such payments, more than £32,000 of the royal revenue was required in 1551.<sup>17</sup>

But the picture of graft and corruption must not be overdrawn. Certain very important reservations must be kept in mind. There was no disintegration of the financial system, no general break-down of all restraints in a universal plunder of the state. It was only to the masters of the state, the council and its friends, that robbery was permitted, and then only in legal form. In its dealings with the governmental agents and officials who supervised the revenue and expenditures, the council insisted upon a high standard of honesty and exactness. From the very beginning of the reign of Edward the council devoted a very considerable amount of its time to a consideration of finances, as the acts of the privy council show. Careful accounts of the great treasurers were frequently ordered to be prepared and laid before the council, or committees of the council were appointed to investigate the state of the revenues. Individual members of the council sat as commissioners for the auditing and passing of the accounts of the very large number of persons who had royal money in the charge during the wars with Scotland and France.<sup>18</sup> These accounts seem to be carefully and accurately drawn. It is possible of course, that the crown was overcharged, that goods provided were inferior in quality, or that supplies intended for the government were diverted to private uses. But charges of this kind brought to the attention of the council are negligible.<sup>19</sup> On the other hand there were some notorious cases of the embezzlement of government funds by important financial officials. Sir William Sharington, master of the mint at Bristol,

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<sup>17</sup> B. M., Additional MSS., 30198, report on the revenues for the year 1550-1551. Annuities and pensions, £20,000; grants of land for life, £12,000.

<sup>18</sup> For orders to the treasurers to lay their accounts before the council, see "Acts of the Privy Council," n. s., III, 29, 130, 133, 228, 236, 314; IV, 12, 44, 62, 164, 183. For investigations of the revenue by committees of the council, see B. M. Add. MSS., 30198; R. O., State Papers, Domestic, Edward VI., vol. II, Nos. 9, 30, 31. For the audit and passing of accounts by commissioners see the preambles of the declarations of accounts of this reign, e. g., R. O., Declared Accounts, Pipe Office, 43, 17, 14.

<sup>19</sup> "Acts of the Privy Council," n. s., II, 492; III, 127.



one of the Lord Admiral's adherents, withheld certain sums from his books in every month and burnt the originals from which the indentures had been made up. He did not know how much he had stolen, but admitted that it was over £4,000.<sup>20</sup> Lord Arundel, the Lord Chamberlain, was charged with peculation at the time of Somerset's fall, which he confessed, and in punishment of which he was sentenced to forego his office and pay a fine of £12,000, "by £1,000 by the year."<sup>21</sup> In 1551, Sir Martin Bowes was contented to give unto his highness by name of a fine, £10,000 to be clear of all demands.<sup>22</sup> In the summer of 1552 some of the most able of Somerset's adherents were brought to book. Whalley, the receiver of the crown revenues in Yorkshire, confessed that he had lent the king's money upon gain and lucre, that he had paid one year's revenues with the arrearages of the last and had bought the king's land with the king's own money.<sup>23</sup> The system of book-keeping in vogue made Whalley's practice easy for a dishonest man. It seldom happened that all the rents and revenues due in a district for the year were collected. Yet when the formal declaration of the account was made, the issues and rents due for the year were set down in full on the debit side of the account. On the credit side were entered the payments of money to the crown's use, including all the actual receipts of the year. What had not been collected was then entered on the credit side of the account as "arrearage" for the year, to balance the two sides of the account. The arrearage of the year was added to the arrearages of past years, which formed an ever-increasing sum, in which little interest seems to have been taken when the accountant presented his account in the following year. Some arrears of rent were paid every year, but inasmuch as the records of the details of the arrearages were scattered in many books, it was easily possible for the accountant to conceal such

<sup>20</sup> "Historical Manuscripts Commission Reports, Hatfield MSS.," I 64-70.

<sup>21</sup> "Acts of the privy council," n. s., II, 398.

<sup>22</sup> "Acts of the privy council," n. s., III, 188.

<sup>23</sup> "Journal of Edward VI," 71.

payments and use them, as Whalley did, for his own purposes. Similar operations on a far greater scale than Whalley's were conducted by John Beaumont, receiver-general of the Court of Wards and Liveries. He concealed in his arrearages receipts of £9,763 in money, and £11,822 in obligations, more than £21,000 in all. These sums he had lent, or used to purchase the king's own land from him. He was further guilty of taking bribes as a judge in chancery.<sup>24</sup> Lord Paget was also found guilty at this time of great malfeasance in his office of chancellor of the Duchy of Lancaster, for which he was sentenced to a fine of £8,000,<sup>25</sup> and in the same summer Sir John Williams, treasurer of the Court of Augmentations, spent some time in the Fleet prison. From his accounts it appears that he had kept back £28,445 received in his own time and in the time of his predecessor from the sale of lands.<sup>26</sup>

Punishment for illegal fraud was of the nature of political vengeance; there is therefore reason to suspect that the number of offenders included many who never lost favor, and went unpunished. And yet, when the most has been made of the corruption of public life in Edward VI's reign, Froude's picture of "all but universal fraud," of the "infinite" "expenses of universal peculation" in which "all classes of persons in public employment were contending with each other in the race for plunder and extravagance," is much overdrawn. It rests upon such false assumptions as an increase in the expenditures in the royal household from £19,000 a year in 1532 to over £100,000 a year in Edward's time; the disappearance of the chantry lands into private hands "with small advantage to the public exchequer"; and upon the hysterical overstatements of the popular revivalists, Lever and Latimer.<sup>27</sup> Public corruption height-

<sup>24</sup> "Journal of Edward VI." p. 70. R. O., Court of Wards, Misc. No. 365 ff., 166-236. This is the account in which the concealment is admitted.

<sup>25</sup> "Journal of Edward VI," 71, 86. R. O., State Papers, Domestic, Edward VI, Vol. XV., No. 58.

<sup>26</sup> R. O., Augmentations Office, Treasurer's Roll of Accounts, No. 8.

<sup>27</sup> J. A. Froude, "History of England," V, chapters 26, 27.

ened, but did not cause the serious financial difficulties of the reign. The frauds were cumulative, for even the effects of the plunder of the crown estates by the councillors did not show to the full until the last year of the reign, but the financial difficulties began almost at once. Of these the most obvious explanation is the renewal of the Scotch and French wars, and their aftermath.

The wars demanded great sums of money, at once available. During the first five years of the reign of Edward, his government was called upon to find a total of £1,356,687 in addition to the normal governmental expenditures, for war purposes, for the fleet, the armies in Scotland and France, the garrisons at home and in Boulogne and Calais, and for new fortifications.<sup>28</sup> There was a marked increase in the wealth and resources of the nations of Europe in the latter fifteenth and sixteenth centuries. War, absorbing as its just due, the greatest available resources of the nations, was waged on an increasingly larger and more expensive scale. The costs and wastes of the wars of England of the middle period of the sixteenth century, great as they were, did not bankrupt the English nation, nor stop its development and destroy its prosperity. But the situation was quite different with the government. The idea was not yet current that all the costs of war should be met by the nation; the identity of the government and the nation was not yet complete enough for that. It was a crown concern to raise the necessary funds, to which it was the duty of the nation to contribute in aid of the crown, in the form of fifteenths and tenths and subsidies. But the forms and machinery of taxation were rigid and inelastic; and, fashioned in the days of the Plantagenets<sup>29</sup> and of Henry VII<sup>30</sup> to meet the demands of an age when warfare was cheaper, parliamentary taxes were not adequate contributions in aid. The normal crown revenues were

<sup>28</sup> R. O., State Papers, Domestic, Edward VI, XV, No. 11.

<sup>29</sup> The fifteenth and tenth assumed a fixed form in 1334.

<sup>30</sup> The subsidy began to assume its form in Henry VII's reign; Henry VIII had modified it and made it more productive from time to time.



likewise inelastic. Henry VII and Henry VIII had tried to solve the difficulty of war finance by accumulating large surplus funds, saved from the annual revenues.<sup>31</sup> The first French war of Henry VIII, 1511-1514, was successfully financed in this way; the third war with France, 1543-1546, was begun with a great reserve fund in hand. But so strained had been the resources of the state on Henry VIII's death, and so short the period of peace that no new surplus could be gathered. The situation on the renewal of the war in 1547 was similar to that in 1522-1525, during the second of Henry VIII's French wars, when there was likewise no accumulated treasure. At that time when Wolsey failed to get money by means of loans and subsidies, he had been compelled to advise his king to make peace. But since that time Henry VIII had discovered means of raising money quickly by the sale of lands, and the coinage of debased money. In this way entered into by Henry VIII in his last years, the Edwardian government followed on to procure the ready money needed "to go on with."

With the first rumors of a renewal of war with France, and the beginning of war with Scotland, the confiscation of the accumulated wealth of the worn-out institutions of the church was consummated. In 1545 Henry VIII had received the power to visit and suppress colleges, hospitals, free chapels, chantries and other corporations of similar nature. Many chantries had been suppressed during Henry VIII's lifetime. The act lapsed at his death. In December, 1547, parliament renewed the statute in favor of Edward VI, restoring all the property of colleges and chantries in the king after the next Easter.<sup>32</sup> The council viewed the grant as made "specially for the relief of the king's majesty's charges and expenses which do daily grow and in-

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<sup>31</sup> Henry VII left to his son an accumulated surplus of about £1,000,000, which Henry VIII spent in the first French war of his reign. In the decade 1530-1540 Henry VIII gathered a second surplus from the excess revenues of these years, from the heavy fines levied on the clergy for praemunire, from the first fruits and tenths, and from the rents and sales of monastic lands. See above, p. 74.

<sup>32</sup> "Statutes," 1 Edward VI, c. 4.

crease by reason of diverse and sundry fortifications, garrisons, levying of men and soldiers which at this present is so chargeable and costly that without great help and aid of money his majesty should not be able to sustain the charges thereof." In April, 1548, when the approach of war with France made it necessary that his majesty should "have in readiness all that should be for defence of his majesty's realm," and the council noted that "nothing [is] so much lacking as money to maintain the costs and charges thereof, without the which no defence can be had," it was decided, since there was at this present "none other means without great difficulty, danger and grudge to make such a mass [of money] as might serve for this present necessity," to authorize the sale of chantry lands to the annual value of £5,000.<sup>33</sup> Before the Michaelmas accounts of 1548 were made up, £110,486 had been received by the commissioners of the sales, and paid into the treasury of the Augmentations Court.<sup>34</sup> The sales not only provided the government with available funds for a time, but assured the support of the war by the wealthy merchants of London. The government's need furnished them further opportunity to purchase the land which

<sup>33</sup> "Acts of the privy council," n. s., II, 184-185. Mr. Pollard, in his "England under the Protector Somerset," page 125, is at some pains to insist that the commissioners were to sell lands only "to the value of £5,000, not annual value, but market price for the freehold," that is, they were to sell a very small amount of land to raise £5,000 for the government. The sum of £5,000 was insignificant in comparison with the government's need; the wording of the commission in the acts of the privy council distinctly states "to the sum of five thousand pounds by year," and the money received from the sales shows that this much land, nearly half the total chantry possessions, was at once sold.

<sup>34</sup> R. O., Augmentations Office, Treasurer's Roll of Accounts, No. 4. In 1549 there was received from the sale of lands £92,695; in 1550, £47,286; and in 1551, £7856. R. O., Augmentations Office, Treasurer's Rolls of Accounts, Nos. 5, 6, 7. Sales after 1551 are treated below. The receipt by the state of these sums effectively replies to Mr. Froude's assertion that "the chantry lands, which if alienated from religious purposes, should have been sold for public debts, were disappearing into private hands with small advantage to the public exchequer." (History of England, Vol. V, 154.) As a rule the state received twenty years' purchase, or twenty times the annual value, a good price.

was still the safest investment for surplus capital and the necessary basis for social distinction.

As was known "for certain by divers motions in the late parliament made," the king's loving subjects "were induced the rather and franklier to grant" the chantries and other religious corporations to the king "that they might thereby be relieved of the continual charge of taxes, contributions, loans and subsidies the which by reason of wars they were constrained in the late king of famous memory his majesty's father's reign to abide."<sup>35</sup> But the freedom from taxation which parliament had sought to achieve by the transfer of the chantries to the king was short-lived. The expenditures for war purposes were so great that a new appeal to parliament was necessary in 1548. The tax measure which followed was a curious one. Instead of a direct tax on land, it provided an indirect tax on sheep and wool to the raising and production of which land was being more and more devoted. For the inadequate subsidy, it offered a substitute which promised to yield £106,000 to £156,000 a year. This estimate was based upon a calculation of the number of sheep in England in Edward III's reign, arrived at from the wool customs of that time.<sup>36</sup> In the measure is to be seen also something of Somerset's spirit of agrarian reform, a design to check conversion of arable to pasture land by indirect taxation. With the new taxes on sheep, wool, and woollen cloth, were combined some of the older subsidy features of a tax on personalty and a poll tax on certain aliens.<sup>37</sup> At the same time the clergy made a grant of a sub-

<sup>35</sup> "Acts of the privy council," n. s., II, 184.

<sup>36</sup> R. O., State Papers, Domestic, Edward VI, II, No. 13. This is a paper book endorsed "Customs for Wools," addressed to my Lord Protector's grace. It sets forth the project in several forms. See also *ibid.*, V, No. 20.

<sup>37</sup> "Statutes," 2 and 3 Edward VI, c. 36. The tax, known as the Relief, was taken at the rate of 1 shilling in the pound of the value of personalty yearly for three years. Aliens were assessed at double rates; those of them not paying the personalty tax paid a poll tax of 8 pence. For every ewe sheep kept in pasture was taken 3 pence; every wether 2 pence; every shear sheep on commons 1½ pence, or in lots of more than 10, 1 penny yearly for three years. Each piece of woollen cloth made was taxed 8 pence in the pound of its value.



sidy of six shillings in the pound of the yearly value of all their livings, payable in three years.<sup>38</sup> The relief was not nearly so productive as the later subsidies of Henry VIII's reign. The first payment, in 1549, brought in slightly less than £54,000; the second payment, in 1550, only £47,500. But before the second payment had been collected, Kets' rebellion had broken out, and Somerset had been deprived of his protectorship. In the parliament of November, 1549, Somerset's agrarian policy was reversed; with the repeal of the Tudor agrarian legislation and the reënactment of the Statute of Merton, there was also the repeal, on the initiative of the commons themselves, of the final payment of the tax on sheep, wool, and cloth.<sup>39</sup> As a compensation the subsidy of a shilling in the pound of the value of goods was extended for another year.<sup>40</sup> On the whole, but little aid was got from taxes of parliamentary grant in Edward VI's reign. Their total yield, including £120,000 granted in Henry VIII's time and paid in April and June, 1547, was only £299,000. For the purposes of the wars with Scotland and France the grant of 1548 was of especially little consequence.

The chief reliance of the government, for its war finances, was placed upon the mint, and the profits of coining debased money. In the two first years of the reign, Henry VIII's standard of fineness, eight parts of alloy, and four parts of silver, and his dies, continued to be used. The coins of these years are identical with those of the last years of Henry VIII's reign. In 1549 a change was made. The gold sovereign was coined 22 carats fine instead of 20; but the new coin was lighter, containing 170 instead of 192 grains of metal, and only 156 grains of pure gold as opposed to 160 grains in the older coin. In the silver coins the silver content was raised to six parts,

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<sup>38</sup> "Statutes," 2 and 3 Edward VI, c. 35.

<sup>39</sup> "Commons Journal," I, 11, On Monday, November 18, 1549, it was ordered that the speakers and others of the house should be suitors to know the king's pleasure by his council, if upon their humble suit they might treat of the last relief for cloths and sheep. On the 20th the king's pleasure was announced that the house might treat for the act of relief "having in respect the cause of the granting thereof."

<sup>40</sup> "Statutes," 3 and 4 Edward VI, c. 23.

with six parts of alloy; but as the new coins were only two-thirds the size of the older coins which they replaced, they contained exactly the same number of grains of pure silver.<sup>41</sup> There was great difficulty in securing bullion due to the prohibition of the export of bullion from Flanders, where large quantities were purchased by loans.<sup>42</sup> Yet, with all the difficulties, the profits of the government were very great. Between the first day of Edward's reign, and the first of January, 1551, covering approximately the war period, £537,000 was realized on the debasement of the currency.<sup>43</sup>

The confiscation of the chantries, the sale of their lands and goods, the new taxes, and the debasement of the currency provided notable sums, but not enough to meet the war bills. Further shift was made by using funds intended for normal charges, so that at the end of the war the various governmental departments were deeply in debt.<sup>44</sup> Finally heavy loans were made in Flanders, of the Fuggers, the Tuchers, the Sheetz and other bankers in Antwerp. At times to repay one loan another was made; or the original loan was extended on disadvantageous terms, generally involving the purchase of fustians, jewels or other goods by the king.<sup>45</sup> In this device of foreign loans,

<sup>41</sup> C. W. C. Oman, "The Tudors and the Currency."

<sup>42</sup> R. O., State Papers, Domestic, Edward VI, VIII, No. 38.

<sup>43</sup> R. O., Declared Accounts, Pipe Office, 2077, Declaration of the account of Sir Edmund Pekham, high treasurer of the mints, to January 1, 1551.

<sup>44</sup> B. M., Lansdowne MSS., II, f. 125. A paper noted in Cecil's hand, drawn up before November, 1552. The Household owed £28,000; the Chamber £20,000; the Wardrobe £8333; the Stables £1000; the Admiralty £5000; the Ordnance £3134; the Surveyor of the Works £3200; the Treasurer of Calais £15,000; the Treasurer of Berwick £6000; the Master of the Revels £1,000; the Treasurer of Ireland £13,128, and the paymasters at Scilly, Alderney, Plymouth and the Isle of Wight, £2,000.

<sup>45</sup> One bargain made March 23, 1551, between the council and Christopher Haunsell for and in the name of Anthony Fugger and his nephews provides: For the sale of one jewel containing four rubies marvellous big, as the boy king described it in his Journal, one orient, and one great diamond and one great pearl for £33,333-6s.-8d. Flemish to be paid in Antwerp without interest in eleven months. For the sale of twelve thousand marks weight of fine silver bullion at 50s. 4<sup>1</sup>/<sub>2</sub>d. the mark, to be delivered at Antwerp by the last of August next. A clause protects the Fug-

as in all others, the Edwardian councillors were simply following, and perhaps bettering the examples of Henry VIII. They paid the same interest, 14 per cent, they renewed and prolonged as he had done. But their operations were on a larger scale and they created a heavier incubus of debt to burden the post-war period.

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gers in case of lawful impediment to the delivery. For the sale to the king of so many bales of fustians as shall amount to £14,000 Flemish, to be paid in Antwerp without interest April 30, 1552. All fustians will be sold in England and not conveyed beyond sea again. Provision is also made that where the king owes Erasmus Sheetz and Sons £42,090 Flemish, payable May 15, 1551, the Fugger shall pay the Sheetz this sum of £42,090, and the king shall repay one year later, with interest at 8 per cent. Finally where the king owes the Fuggers £38,976 Flemish, payable August 15, 1551, the sum is respited for a year at 12 per cent. R. O., Treasury of Receipt, Letters Patent, Bundle 4, No. 15/37. A letter of the council dated April 9, 1550, to Damosell agent in Flanders urges him to do the best he can for prolongation of a debt due in May, 1550, for a year longer. He is to accept an offer to prolong, purchasing 2400 kintalls of powder at 50s. a kintall, to be paid at the end of the year also. "Acts of the privy council," n. s., II, 426. In his Journal Edward notes, "debt of 30,000 l. and odd money put over for a year, and there was bought 2500 quintals of powder." Journal, 18.

Other loans abroad during the war were, 13 October, 1547, of Anthony Fugger, 129,650 florins to be repaid March 31, 1548; April, 1548, of Lazarus Tucker 167,218 florins; 11 September, 1549, of Anthony Fugger 328,800 florins to be repaid August 15, 1550; 5 May, 1550, of Erasmus Sheetz, 107,520 florins to be repaid May 15, 1551. R. O., Treasury of Receipt. Letters Patent, Bundle 4; State Papers, Domestic, Edward VI, IV, No. 5.



## CHAPTER II

### NORTHUMBERLAND'S FAILURE, 1550-1553

Peace was made between France and England in 1550. Among the terms of the treaty was a provision for the restoration of Boulogne, of which the capture, fortification, and keeping had cost the English state £1,342,550 in five and one-half years. Its surrender for nothing would have been a great financial relief to the English government; Henry II of France generously paid 400,000 crowns (£133,333) for its recovery. For months after the peace was signed the garrisons at Calais and in the north were continued at their full war strength, because "these wanted money to dispatch them," that is pay them their arrears of wages and discharge them. Although there seems to have been an intention of keeping the 400,000 crowns as ready money available in emergencies—the first payment was ordered laid up in the Tower "for all purposes"—it was at last necessary to order payments to be made from it to discharge the soldiers, and meet other charges.<sup>1</sup> Despite the discharge of the soldiers from Calais and in the north, there remained a large war establishment, which could not be, or was not at once, disbanded. At Calais the ordinary garrison had long cost £5,000 a year more than the rents of the town and the wool customs collected by the merchants of the Staple, while the cost of work on the fortifications and the wages of the extra-

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<sup>1</sup> "Acts of the privy council," n. s., III, 93. Of the first (half) payment £10,000 were sent to Calais; £9500 to Ireland; £15,166 to the north; £2000 were assigned to the ordnance department; £1000 to Alderney, and £1000 to the Admiralty. Of the second payment of 200,000 crowns, £8000 were at once to Calais; £5000 to the north and £10,000 "was appointed to be occupied to win money to pay the next year, pay the outward pays; and it was promised that the money should double every month." *Journal of Edward VI*, 26. The scheme by which the money thus invested was to double every month is described by Froude, "History of England," V, 265.

ordinary crew continued at over £19,000 a year in addition.<sup>2</sup> There were heavy charges for works and garrisons at Berwick, and on the Scotch marches, and in the various block houses or forts on the English coast;<sup>3</sup> there were the charges of the admiralty and ordnance offices, and the expenditures in Ireland above the Irish revenues. The Irish revenues, after the costs of the civil government there had been paid were about £4,700 sterling a year. During the first years of Edward's reign the island had been aflame with insurrection; large sums had to be sent to Ireland for military purposes which the Irish revenues did not meet. In 1550, however, it was resolved that Ireland should no longer be a drain on the English treasury; the situation was to be reversed, and Ireland was to contribute to the royal resources. To carry out the new policy, Anthony St. Leger returned as deputy.<sup>4</sup> He was as little successful in making Ireland "pay" as Henry VIII had been in a similar scheme; the charges of the necessary military establishment increased by leaps and bounds. Whereas in 1547 the charges of Ireland were £15,500, in 1551 and 1552 they rose to £42,000 and more. The Irish revenue did not increase; the deficit had to be made good from London.<sup>5</sup>

Not directly due to the war, but certainly induced in part by causes connected with the war were the serious increases in the costs of the royal household. In the first years of the reign the household had required about the same amount of money as in the last years of Henry VIII's reign, about £38,000 a year. In 1550, and 1551 the expenditures increased to £50,000

<sup>2</sup> B. M., Additional MSS. No. 30,198, a statement of the revenues for the year 1550-1551; R. O., Declared Accounts, Pipe Office, 2079, account of Sir Edward Pekham. In the year February, 1551, to March, 1552, Pekham paid out £25,500 for Calais causes.

<sup>3</sup> These required £9733-17-7 for the year 1550-'51. B. M., Additional MSS., No. 30,198.

<sup>4</sup> Froude, "History of England," V, 392.

<sup>5</sup> B. M., Additional MSS., No. 4767, f. 99; f. 160. The yearly charge in Ireland is given in the latter paper:—a<sup>o</sup>. 1, Edward VI, £15,958; a<sup>o</sup>. 2, £21,024; a<sup>o</sup>. 3, £27,113; a<sup>o</sup>. 4, £20,566; a<sup>o</sup>. 5, £42,968; a<sup>o</sup>. 6, £42,609. All sums are in sterling money.

and £56,000.<sup>6</sup> This was in part due to increased luxury at the court, in part in all probability to speculation by officials, but in greatest part to the rise in prices. A similar increase, on a much smaller scale, is to be noted in the wardrobe expenditures. And while the government was endeavoring to meet all these great payments and increases, in addition to the normal state expenditures, it was constantly reminded of the unpaid debts in the household, wardrobe and chamber, and of the great loans raised abroad at 14 per cent interest, which somehow had to be paid.

Governmental finances were studied by the council between 1550 and 1553 with a zeal which shows how clearly the seriousness of the problem was realized. One investigation, carried out by Thomas Lord Darcy, Lord Chamberlain, Thomas, Bishop of Norwich, Sir Richard Cotton, Controller of the Household, Sir John Gates, Vice-Chamberlain, Sir Robert Bowes, Master of the Rolls, and Sir Walter Mildmay, one of the General Surveyors of the Court of Augmentations, for the year Michaelmas, 1550, to Michaelmas, 1551, showed that the clear normal income from all sources, deducting fixed charges, grants and annuities, was £168,150. The fees of the royal officials, ministers, and servants, the ordinary household and wardrobe assignments,<sup>7</sup> the expenses of the audit courts, the charges for decays and reparations, and the charges for certain garrisons, that is to say, the normal government payments, were £131,600. There was available thus a balance of £36,550. From this sum

<sup>6</sup> R. O., Declared Accounts, Pipe Office, 1795. Household expenditures for the year:

1547-48, £38,804- 6s.-6d.  
 1548-49, £41,359- 3s.-4d.  
 1549-50, £50,778-16s.-4d.  
 1550-51, £56,806-13s.-8d.  
 1551-52, £55,791-15s.-9d.  
 1552-53, £51,903-10s.-2d.

The increase is not however nearly so great as has been alleged.

<sup>7</sup> From time to time each court was ordered to set aside and pay regularly a certain sum for the household. These sums, amounting in all to £41,864 in 1551-2 were the household assignment. The expenditures in the household exceeded the assignment in every year in Edward's reign. See above.



the committee reported, there had to be met the charges of the admiralty, of the ordnance, of the king's privy purse, the New Year's gifts, the charges at Calais and in Ireland above the revenues there, and the extra charges in the household above the assignment. The various military establishments alone—Calais, Ireland, the navy, the north and Berwick, the ordnance and so forth—took more than £112,000 from February, 1551, to Michaelmas, 1552, or at the rate of £80,000 a year.<sup>8</sup> The extra charges in the household in the year 1551 were £15,000 more than the assignment. Even with the addition of the subsidy of £43,260 paid in April, 1551, there was not enough money available from the revenues to meet the current charges. Then some way must be found to pay off the war debts of £250,000 owing in England and Flanders.<sup>9</sup> It was further deemed desirable to "get £50,000 of treasure money for all events," that is, accumulate a new surplus,<sup>10</sup> and finally money had to be found for the new standing army, the bands of horsemen attached to Northumberland's most devoted partisans, organized in December, 1551.<sup>11</sup>

In the expedients which were used to remedy this alarming deficiency, resort was had to all the old devices, betraying a sterility of ideas and a failure to grasp the cause of the situation. Solemnly the council determined upon a policy of retrenchment. The garrisons at little blockhouses like Portland and Pendivis were reduced from two to four men each, and several small forts were discontinued,<sup>12</sup> with a saving of £583-12s.-6d. a year.<sup>13</sup>

<sup>8</sup> R. O., Declared Accounts, Pipe Office, 2079; account of Sir Edmund Pekham, high treasurer of the mints.

<sup>9</sup> The amount of the debt is variously stated. An entry in Edward's Journal (p. 66) puts the sum at £251,000 at the least in May, 1552; a paper of Cecil's, before November, 1552, puts it at £241,179, B. M., Lansdowne MSS. II, f. 125; another paper of 1552 gives it at £235,700 and still another at £219,686, R. O., State Papers, Domestic, Edward VI, Vol. XV, No. 13, No. 14. At least £132,372 was due to the money lenders in Flanders, and £108,800 owed in England.

<sup>10</sup> Literary Remains of Edward VI, II, 543, note in the king's own hand.

<sup>11</sup> "Acts of the privy council," n. s., III, 399; IV, 4, 15, 132.

<sup>12</sup> R. O., State Papers, Domestic, Edward VI, XIII, Nos. 10, 11, 12, "Acts of the privy council," n. s., IV, 130.

<sup>13</sup> "Acts of the privy council," n. s., IV, 139.

The tables of the "young lords" and others in the household were discontinued, auditorships were abolished to save fees, and workmen discharged.<sup>14</sup> As early as 1551 attention was directed to the superfluous charges of the large number of revenue courts, with too many officers and too little business.<sup>15</sup> They escaped pruning for the moment because an office in a revenue court was a vested interest, a property right, which could be abolished by the state only in return for the compensation of a life pension.<sup>16</sup> In the spring of 1552 the reduction of the fleet was ordered, and it was even suggested that some of the king's old ships be let for rent, and hulks of no more value be sold.<sup>17</sup> There was, however, no mention of retrenchment or restriction in the plunder of the crown by the council in the form of grants of land to the councillors themselves, though it is true that the grants of the fifth, sixth and seventh years did not equal in extent those of the fourth year of the reign.

In all the revenue courts there were great arrears of overdue rents and revenues owing to the crown through many years. "My debts owing me" after this sort were estimated by Edward to be £100,000.<sup>18</sup> In times of stringency in the middle period of Henry VIII's reign it was a much used practice "to call in the debts." So at this time. In February of 1551, the treasurer and chancellor of the Augmentations were commanded to bring in with all diligence a book of all such debts and arrearages as are due to the king's majesty in that court, and it may be that similar commands were sent to the other treasurers.<sup>19</sup> Late

<sup>14</sup> "Journal of Edward VI," 79; "Acts of the privy council," n. s., III, 316, IV, 102, 115, 160, 260. See also "Journal of Edward VI," 65, 83 for retrenchment in the mint and Ireland.

<sup>15</sup> "Literary Remains of Edward VI," Vol. II, 500, 543.

<sup>16</sup> When the Court of General Surveyors was amalgamated with the Court of Augmentations, January 1, 1547, the officials of the older court for whom no place could be found were given pensions or annuities of more than £3000 a year. See Appendix, Disbursements of the Court of Augmentations.

<sup>17</sup> "Acts of the privy council," n. s., IV, 46. R. O., State Papers, Domestic, Edward VI, XIII, Nos. 10, 11, 12.

<sup>18</sup> "Literary Remains," II, 550.

<sup>19</sup> "Acts of the privy council," n. s., III, 228.

in the same year and in 1552 commissioners were appointed to call in the debts.<sup>20</sup> They succeeded in collecting £16,667 before Michaelmas, 1552.<sup>21</sup> Something, too, was expected from the familiar device of Empson and Dudley. For in March, 1552, a committee of the council was appointed to examine the penal laws and put certain of them into execution.<sup>22</sup> It seems to have been decided to enforce those touching horses and plows, riots, the planting and grafting of trees, the cutting of wood and billets and forestalling and regrating.<sup>23</sup> The sale of the king's gunpowder, fustians, and copper, which he had been compelled to take as "fee penny" for the prolongation of the Flanders loans, and the sale of "certain jewels," bell-metal and lead, part of the past spoil of the church, were tried.<sup>24</sup> Next, the completion of the confiscation of the church plate, and the sale of church goods and ornaments was ordered and carried through. In 1549 commissioners had taken inventories of ornaments, plate, jewels, bells, and vestments in all churches, forbidding the sale or embezzlement of any part of them.<sup>25</sup> On February 26, 1551, it was decreed in the council that "forasmuch as the king's majesty had need presently of a mass of money, therefore commissions should be addressed into all shires of England to take into the king's hands such church plate as remaineth to be employed unto his highness' use." The first commissioners for the plate and goods were sent out in the spring of 1552;<sup>26</sup> they

<sup>20</sup> "Journal of Edward VI," 56, 58; "Literary Remains," II, 500.

<sup>21</sup> R. O., Augmentations Office, Treasurer's Roll of Accounts, No. 10. All debts were ordered paid to Peter Osborne, who was to act as a special treasurer, keeping the money to the king's use.

<sup>22</sup> "Journal of Edward VI," 62.

<sup>23</sup> "Literary Remains," II, 543. Memorandum in the king's own hand, entitled, "Matters for the council, October 3, 1552. How a mass of money may be gotten to discharge the sum of £300,000 both for discharge of the debts, and also to get £50,000 of treasure money for all events."

<sup>24</sup> "Acts of the privy council," n. s., IV, 108; "Literary Remains," II, 543. £49,113 was received from the sale of such goods, 1552-1553; R. O., Augmentations Office, Treasurer's Roll of Accounts No. 8.

<sup>25</sup> R. O., State Papers, Domestic, Edward VI, VI, No. 25.

<sup>26</sup> "Acts of the privy council, n. s., III, 228, 233, 467, 536. Journal of Edward VI, 65.



were followed by others, who, still busy in the spring of 1553, were urged by the council to greater speed.<sup>27</sup> From "church plate superfluous," being coined, it was estimated that £20,000 would be realized and from the sale of church goods £10,772 was received.<sup>28</sup> Other developments however returned some of the plate to the churches in Mary's reign. Finally, in their quest for money, the council turned to the mint.

For many years the mint had been the great "sheet-anchor" of the government in times of storm and stress. The evils of the debasement of the coinage, the exportation of all the good money, especially the gold of the country, and the adverse foreign exchange, together with the effect of the debasement on prices, were clearly recognized by writers, merchants, and the popular preachers.<sup>29</sup> Even the council was convinced of the necessity of restoring the standard of fineness of the coins. The first necessary step in doing this, as Lane, the London merchant, had pointed out to Cecil, was the "calling down" of the value of the testoun, groat and penny to their intrinsic silver-content value. This was first considered in the council in April, 1551. But fatuously enough, it was decided that there should be one last orgy of debasement before the proclamations for calling down were issued, "to get gains of £160,000 clear by which the debt of the realm might be paid, the country defended from any sudden attempt, and *the coin amended*." And so, "for the dis-

<sup>27</sup> *Ibid.*, IV, 219, 265, 270. For volumes of the reports of the commissioners detailing their activities, and sometimes excusing themselves for not being able to do more for the king's advantage and other interesting comments, see B. M., Stowe MSS., Vols. 147, 827. The bulk of the reports is in the Record office; those of certain counties have been published. The best general account is in Dixon, "History of the Church of England," III, 448ff.

<sup>28</sup> "Literary Remains," II, 550, Edward's memorandum. R. O., State Papers, Domestic, Edward VI, XV, No. 42, a paper by Cecil. R. O., Declared Accounts, Pipe Office, 2080.

<sup>29</sup> B. M., Cotton MSS. Vespasian D. 18, papers of William Thomas, clerk of the council. R. O., State Papers, Domestic, Edward VI, XIII, No. 3, a letter of William Lane, merchant of London, to William Cecil, January 18, 1551. The letter is printed by Froude, "History of England," V, 266. Latimer, "Sermons," (Parker Society), 68, 95, 136, 137. John Hales, "A Discourse of the Commonweal of this realm of England," (Edition of 1893), 104.

charge of debts and to get some treasure to be able to alter all," that is meet the expenses of altering and bettering the standard, twenty thousand pounds weight of bullion was ordered to be coined three ounces of silver and nine ounces of alloy.<sup>30</sup> But before two months were out, the misgivings of the council were such that it was decided not to proceed after £80,000 of money of the standard of three ounces fine together with ten thousand marks weight of four ounces fine had been coined. But because of the changes in the fortifications at Calais and Berwick, it was agreed three weeks later to issue another £40,000 of a standard of three ounces fine while five thousand pounds weight of silver should be coined seven ounces fine at the least.<sup>31</sup> Thus the council vacillated between regard for the opinion of the people, and need for money. In July the mints were ordered to stop coining;<sup>32</sup> not however until £114,500 had been taken from the people of England in the profits of the recent debasement.<sup>33</sup> In September, 1551, the council directed the mints to begin the coinage of good money of the standard of eleven ounces and one pennyweight of silver and nineteen pennyweights of alloy. A month later when the new coinage was actually being issued, the council ordered the lord chancellor "to haste forth the proclamation of the coin for the satisfaction of the people." This last clause probably carries the explanation of why the council did not dare to issue any more debased money, although in the spring of 1552 the project was reconsidered.<sup>34</sup>

From all these sources large sums were received, but practically everything that came in from them was used for cur-

<sup>30</sup> "Journal of Edward VI," 33, April 10, 1551.

<sup>31</sup> *Ibid.*, 35, May 30; 37, June 18, 1551.

<sup>32</sup> "Acts of the privy council," n. s., III, 316. July 17, 1551.

<sup>33</sup> R. O., Declared Accounts, Pipe Office, 2079, account of Sir Edmund Pekham, high treasurer of the mint.

<sup>34</sup> R. O., State Papers, Domestic, Edward VI, Vol. XIII, No. 47, directions for the new standard, Sept. 25, 1551. Between October and December, 1551, 6543 pounds weight of silver worth more than £21,000 were coined—R. O., Declared Accounts, Pipe Office, 2079. See also "Acts of the privy council," n. s., III, 400; IV, 57, 102.

rent charges in Ireland, at Berwick and Calais, and for the fleet and ordnance. But little was available for the payment of the bonds held in Flanders by the Fuggers and the Sheetz. In April, 1551, the Fuggers renewed a bond for £60,000 at ten per cent, provided that the king purchase bullion and jewels.<sup>35</sup> When the time for the payment of the extended loan came, Sir Philip Hobbey took £53,500 Flemish in French crowns over sea with him—probably the last remaining portion of the Boulogne ransom money,—but had to borrow £10,000 Flemish of Lazarus Tucker at seven per cent for six months to make up the pay. At the end of April, 1552, £14,000 additional was due the Fuggers, which was paid possibly by a new loan.<sup>36</sup> In May a debt of £6,180 Flemish due Jasper Sheetz was paid out of the money that came of the king's old debts.<sup>37</sup> But regarding another bond of £45,000 due to the Fuggers in May, 1552, "a letter was sent to the Foulcare," writes the king in his journal, "that I have paid £63,000 Flemish in February, and £14,000 in April, which came to £77,000 Flemish, which was a fair sum of money to be paid in one year, chiefly in this busy world, whereas it is most necessary to be had for princes. Besides this, that it was thought money should not now do him so much pleasure as at another time peradventure. Upon these considerations they had advised me to pay but £5,000 of the £45,500 I now owe and so put over the rest according to the old interest 14 per cent with which I desired him to take patience."<sup>38</sup> In August a bond for £56,000 fell due. Gresham, the government agent in Flanders, had no money to meet the payment; he secured an agreement for prolongation on the usual terms that the government purchase certain fustians and diamonds of the lenders. The council in Northumberland's absence refused the conditions. The king, Gresham was informed, would pay as soon as he could; until he did so the bankers must wait. Gres-

<sup>35</sup> See above, p. 86 note. See also, "Journal of Edward VI," 33.

<sup>36</sup> *Ibid.*, 60, 62, 63, 65, 66. "Acts of the Privy Council," n. s., IV, 27.

<sup>37</sup> "Journal of Edward VI," 68. "Acts of the Privy Council," n. s., IV, 58.

<sup>38</sup> "Journal of Edward VI," 66.



ham insisted that the loan must not be defaulted, or the country would be brought to shame.

In the early summer months of 1552 the council register shows that the treasuries were often actually empty; in August payments by the government were actually suspended, "for that his highness is presently in Progress and resolved not to be troubled with payments until his return."<sup>39</sup> The acme of the crisis had come. It brought with it the failure of Northumberland's plan to seize the government. For at Michaelmas, 1552, the gens d'armes, the mercenary army which Northumberland had gathered in December, 1551, had to be disbanded for lack of money. Against money and metal, the weight of guns and mercenaries, Mary and her followers could not have raised up their heads. But without money, and hence without the mercenary soldiers, Northumberland had no chance against the divinity that doth hedge about a king, and the magic of the Tudor name. With the discharge of the mercenaries Northumberland disarmed himself, and all possibilities of his success were gone.

In the summer of 1552 Northumberland probably expected a longer reprieve than he was to have before the test. The government was bankrupt, but if there was time enough all might still be mended. Rather bravely Northumberland attempted to retrieve the situation by the use of heroic measures. The management of the finances he turned over to William Cecil, who in later years was to become the greatest master of governmental finances of the sixteenth century.<sup>40</sup> The mayor and aldermen of the City of London endorsed new loans in Flanders;<sup>41</sup> the merchants of the Staple and the Merchant Adventurers advanced

<sup>39</sup> "Acts of the Privy Council," n. s., IV, 109, August 8, 1552.

<sup>40</sup> A note book of June and July, 1552, in Cecil's hand (R. O., State Papers, Domestic, Edward VI, XIV, No. 53), shows him very much interested in all government business, especially disbursements of money. In the following months there are many memoranda from his hand, showing the debts, with fruitful suggestions for amending the situation. R. O., State Papers, Domestic, Edward VI, Vol. XV, Nos. 13, 17, 42.

<sup>41</sup> "Acts of the Privy Council," n. s., IV, 29, 129, April and September, 1552.

money to the government to meet its obligations, and took over the payment of loans as they fell due.<sup>42</sup> In these days, too, the accounts of Northumberland's political opponents who had held important financial offices were investigated, and Beaumont, Whalley, and Paget compelled to disgorge great sums. Northumberland contemplated going much further in these investigations, to discover whether the crown had been justly answered of the plate, lead, and iron that belonged to the abbeys, the profit of alum, copper, and fustians appoined to be sold, and such land as Henry VIII had sold. He was minded to examine the accounts of the treasurers and receivers of the various revenue courts, and finally "to call on every one who had received money in behalf of the crown since the year 1532 to produce his books and submit them to an audit."<sup>43</sup>

The sale of crown lands, which had almost ceased since the making of peace with France, possibly out of the realization that sales and gifts could not proceed concurrently without ultimate disaster, was renewed on a larger scale than ever before in the reign. In May, July, and October new commissions of sales were issued for the sale of chantry and other crown estates, together with rectories, parsonages, advowsons and other spirit-

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<sup>42</sup> In July the merchants of the Staple were desired by the council to advance by way of prest or loan some good portion of money besides the sums as should be due for the wool custom at this shipping. In October, in anticipation of the "pay" of £48,000 to be made in December "beyond seas," the Merchant Adventurers agreed to lend the king £40,000 repayable in March, 1553. The sum was assessed by the merchants upon themselves at the rate of 20s. for each cloth exported. It was estimated that at this shipping they would carry 40,000 broad cloths. The grant was confirmed by a "company" assembled of 300 Merchant Adventurers, October 4, 1552. A month later the Staplers agreed to take over a loan of £21,000 due to the Fuggers on February 15, 1553, paying £10,000 before the day, and the balance "on prorogation"—"for which they must pay the interest." In the spring of 1553 the Staplers and the Adventurers assumed responsibility for the payment of £43,771 due to the Fuggers, the Sheetz, the Rellingers and Francis van Hall. "Journal of Edward VI," 80; "Acts of the Privy Council," n. s., IV, 169, 267. Repayment was made to the merchants out of money from the land sales.

<sup>43</sup> "Journal of Edward VI," 84. Froude, "History of England," V, 425.

ualities.<sup>44</sup> Sir Edmund Pekham was appointed special treasurer to receive the money coming of the sales. In the year from Michaelmas, 1552, to Michaelmas, 1553, he received £153,479 in purchase money, while £16,623 was paid into the Court of Augmentations.<sup>45</sup>

These ways and means proving less effective than had been expected, the council began, in December, 1552, to plan for a parliamentary grant. Northumberland approved the action, "necessarily considering that there is none other remedy to bring his majesty out of the great debts wherein for one great part he was left by his highness father . . . , and augmented by the wilful government of the late Duke of Somerset, who took upon him the Protectorship and government of his own authority. His highness, by the prudence of his father, left in peace with all princes, suddenly, by that man's unskillful protectorship and less expert in government was plunged into wars whereby his majesty's charges was suddenly increased unto the point of six or seven score thousand pounds a year over and above the charges for the keeping of Boulogne. . . . These things being now so onerous and weighty to the king's majesty, and having all this while been put off by the best means we have been able to devise, although but slender shifts in comparison, the same is grown to such an extremity as without it speedily be helpen by your (the council's) wise heads both dishonour and peril may likely follow. And seeing there is none other honorable means to reduce these evils grown by the occasion afore rehearsed, I think there be no man that beareth his obedient duty to his sovereign lord and country but must of consequence conform himself to think this way (of a subsidy) most honorable; for the sale of lands you have proved, the seeking of every man's doings in office you mind to try, and yet you perceive all this cannot help to salve the sore." In the last

<sup>44</sup> "Acts of the Privy Council," n. s., IV, 46, 143; B. M., Additional MSS., 5498, f. 39; "Journal of Edward VI," 66.

<sup>45</sup> R. O., Declared Accounts, Pipe Office, 2080; Augmentations Office, Treasurer's Roll of Accounts, No. 8.



sentence of the letter Northumberland refers to the "danger of murmuring or grudging that you (the council) mind to avoid."<sup>46</sup> The difficulty of the situation which made the council fear "murmuring and grudging" was that it was designed to ask a tax, which was preëminently a war measure, in a time of peace. The cloak of loyalty and patriotism could not be used to quiet opposition. The interests of the crown and the people, the unity of which was the foundation of the Tudor commonwealth, were not identical here and embarrassing questions might be asked concerning the new-gotten wealth of the chief ministers. One of the council busied himself with a book of "arguments and collections," apparently refuting all possible arguments against the new taxes, especially arguments based on references to the gifts of land by the council to themselves. Northumberland did not understand the new spirit of inquiry and liberalism which was in the air. He returned the book with part of his simple mind scribbled upon the margin. "There is no need to be so ceremonious as to imagine the objects of every forward person, but rather to burden their minds and hearts with the king's extreme debts and necessity grown and risen by such occasions and means as cannot be denied by no man, and that we need not to seem to make a count to the commons of his majesty's liberality and bountifulness in augmenting or advancing of his nobles or of his benevolence showed to any his good servants lest you might thereby make them wanton and give them occasion to take hold of your own arguments. But as it shall become no subject to argue the matter sofar, so if any should be so far out of reason, the matter will always answer itself with honor and reason to their confuting and shame."<sup>47</sup> The grant demanded was the usual subsidy and two fifteenths and tenths; there was nothing "vast" about it. Yet such was the public temper, that even in the parliament of 1553, rather an assembly of notables than a representative body, the measure was de-

<sup>46</sup> R. O., State Paper, Domestic, Edward VI, Vol. XV, No. 73, December 28, 1552.

<sup>47</sup> R. O., State Papers, Domestic, Edward VI, Vol. XVIII, No. 6, January 14, 1553.

bated; the commons' journal notes "arguments" on two days, and a "consultation in the Star Chamber."<sup>48</sup> Some further indication of the unpopularity of the tax may be gleaned from the rejoicing with which Mary's remission of the subsidy as one of her first acts was greeted. "There was a marvellous noise of rejoicing and giving the queen thanks in Chepeside by the people for the same."<sup>49</sup> That the people of England in parliament gained control of the government by virtue of parliamentary control of taxation is often stated. But it must not be overlooked that control of the government by the people was possible of accomplishment only as the people recognized the government as belonging to them, and were willing to assume the burdens of the finances of the state. This was not yet true in the sixteenth century.

There was for Northumberland one salvation, not fifteenths and tenths and subsidies, but the last remaining endowments of the church, the bishops' estates. The last possible phase of the policy begun by Cromwell had in fact already been entered. In 1550 the newly founded bishopric of Westminster was dissolved and united to the see of London, which was forced to neutralize any advantages of the union by the surrender of various manors to the crown. In 1551, Ponet on his translation to Winchester alienated the whole of the patrimony of the see to the crown for a fixed stipend of two thousand marks. In 1552 the see of Gloucester was dissolved, its estates annexed to the crown and its diocese to that of Worcester. True, the crown had profited little: most of the land acquired from bishops' estates had been at once regranted to courtiers. The great attack was begun in the parliament of 1553. A bill was passed for the division of the great diocese of Durham, with the spoliation of its lands for the benefit of the crown and Northumber-

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<sup>48</sup> "Commons' Journal," I, March 6-11, 1553. The clergy also made a grant of six shillings in the pound of the value of their livings, payable in three years. "Statutes," 7 Edward VI, c. 12, 13.

<sup>49</sup> "The Chronicle of Queen Jane and of Two Years of Queen Mary," Camden Society Publications, V, 48.

land.<sup>50</sup> But before the Revolution could recoup itself by further development in the way of the Henrician and Cromwellian tradition of the increase of the crown estates at the expense of the church, and rearm itself against the reaction, the boy king died. His death came a little too soon for the success of Northumberland's plans.

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<sup>50</sup> Dixon, "History of the Church of England," III, 197-8, 274, 471, 511.



### CHAPTER III

#### RECONSTRUCTION UNDER MARY, 1553-1558

"Sterility," writes Pollard, "was the conclusive note of Mary's reign." It was a "palpable failure." Yet one exception must be taken to Mr. Pollard's sweeping condemnation. In the matter of government finances there was a real and important advance, without which the work of Elizabeth could not have begun so auspiciously. Like a spendthrift wasting his capital funds the late Henrician and the Edwardian government had reduced and alienated crown possessions and resources to tide over financial crises. What was left was now so carefully husbanded that it was made to serve the requirements of the state for another half century. This was the constructive work of Mary's government. The religious reaction which Mary personified made it impossible to go forward to those new developments of the Tudor policy which Northumberland was planning, and had already begun, the increase of the crown lands by the annexation of the estates of the bishops. The queen's intense devotion to the old church even led to the surrender of certain resources already in hand. But the sale of lands practically ceased, and for the sources of supply which remained, conservation and intensive cultivation to effect the utmost productivity were the keynotes.

Mary enjoyed initial advantages which her brother did not have when he began to rule. The kingdom was at peace, and not threatened with war. Boulogne with its great charges had fortunately been lost. The crown was not surrounded by a group of grasping councillors bent on enriching themselves at the expense of the state. At the beginning of the reign stern retrenchment was the order. "It must also be considered," runs a memorandum of things to be done for the good of the reign, drawn up August 4, 1553, "that the expenses of the queen be so moderated as the crown be able to bear it and have wherewith also to resist the enemy. And for this cause, all such

superfluous new charges as have of late crept in are to be taken away and the state of the household, the admiralty, ordnance, mint, Ireland, Calais, Berwick and other places reduced near the same charges that they were in the latter end of King Henry VIII."<sup>1</sup> The reduction of the extraordinary numbers in the armies and garrisons in Ireland, at Calais and Berwick and the various forts in England was recommended and carried out. Shortly after, a special committee of the council was appointed to take general oversight of the advances for Calais, Berwick and Ireland, the North, Portsmouth, the Isle of Wight and "the Islands."<sup>2</sup> In Ireland alone, the yearly charge which had been £42,609 in the last year of Edward's reign was reduced to £17,796 in the third year of Queen Mary.<sup>3</sup> It was recommended too that the charges in the household be reduced, after a study of the charges of the latter part of Henry VIII's reign with "reasonable additions thereto." But a great reduction in the household charges was not effected. During the two first years of the reign they were greater than they had been in Edward VI's time, though after that they were considerably reduced.<sup>4</sup> The expenses of the wardrobe continued very large, but were declared by a committee of the council to be satisfactory and not excessive.<sup>5</sup>

<sup>1</sup> R. O., State Papers, Domestic, Mary, I, No. 5.

<sup>2</sup> R. O., "State Papers, Domestic," Mary, I, No. 3; III, No. 31.

<sup>3</sup> B. M., Additional MSS., 4767, f. 160. Yearly charges, a<sup>o</sup>. 1 Mary £37,916; a<sup>o</sup>. 2 Mary £38,524; a<sup>o</sup>. 3 Mary £17,796. The charges rose slightly later, to £20,375 for the army and £1,735 for fees and annuities in 1559. Additional MSS. 4767, ff. 116, 126, 129.

<sup>4</sup> R. O., Declared Accounts, Pipe Office, 1795. The charges for the year 1551-1552 were £55,791 (Edward)

1552-1553 51,903 (Edward and Mary)

1553-1554 62,640 (Mary)

1554-1555 59,353 (Mary)

1555-1556 52,866 (Mary)

1556-1557 54,111 (Mary)

1557-1558 36,208 (Mary)

1558-1559 44,824 (Mary and Elizabeth)

<sup>5</sup> R. O., State Papers, Domestic, Mary VI, No. 21. The expenses of the wardrobe for 1552-1553 were £ 5,373

1553-1554 12,307 (coronation charges included)

1554-1555 6,121

As a retrenchment measure the union of the various revenue courts had been considered in Edward VI's reign, and authorized by parliament.<sup>6</sup> Mary's government at once turned its attention to the "new erected courts" and their "superfluous charges." Parliament passed a second empowering act, and on January 24, 1554, letters patent of the queen abolished the Court of Augmentations and the Court of First Fruits and Tenths, and united them with the Exchequer. The measure might have been very reactionary in its effects, inasmuch as it aimed to restore completely the ancient course of the Exchequer, even to the use of the sheriffs as stewards of the crown lands. But there were permissive clauses in the letters patent which made it possible for the more modern system of the Augmentations court to be continued for the administration of the crown lands in the Augmentations office of the Exchequer.

Another great economy was worked in the matter of annuities and pensions. They were taken under consideration at the very beginning of the reign; it was found that annuities of £1,597 to Englishmen and £2,590 to strangers were granted during pleasure and might be stopped at once, while of the annuities paid from the monastic lands it was suspected that some were corruptly granted.<sup>7</sup> The council advised in January, 1554, that no new grants of annuities or pensions be made; and although some new grants were made, notably to those who helped the queen at Fremlingham and to the officers of the dissolved Courts of Augmentations and First Fruits, the total payments for pensions and annuities decreased markedly. From Easter,

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1555-1556	6,029
1557-1558	6,220
1558-1559	9,220 (coronation charges included)

R. O., Declared Accounts, Pipe Office, 1795, 3027-3032, inclusive. The household and wardrobe took all the clear revenues of the Duchies of Cornwall and Lancaster, and of the Court of Wards and Liveries in Mary's reign. What was still lacking to meet their charges was paid from the Exchequer.

<sup>6</sup> See above, p. 92. "Statutes," 7 Edward VI, c. 2.

<sup>7</sup> R. O., State Papers, Domestic, Mary, I, No. 22.



1557, to Easter, 1558, they were only £5,078, as compared with £20,000 a year in Edward's day.<sup>8</sup>

Yet the problem that confronted Mary's government could not be solved by economies and curtailments alone. The rise in prices, the advance in the standard of living, and the higher level of salaries led necessarily to an increase in the household and wardrobe charges and in the cost of the permanent military and naval establishments. With all the economies possible, the total government disbursements in normal years of peace were considerably greater than they had been in 1540, and constantly tended to rise. It was essential that the government's revenues be increased. The time was not yet ripe to use taxation to supply new funds regularly. Nor could the depleted estates of the crown be augmented on a grand scale as in the past. Northumberland's attainder and execution restored some of the lands which he had so unjustly gathered into his hands. As a possible means of recovering more of the fraudulently alienated estates, an investigation was proposed of all exchanges or gifts of land granted since the death of Henry VIII,<sup>9</sup> but nothing was done. Despite all the alienations of the past two decades, the crown estates were still absolutely very large, and if they could not be increased in extent, they could be made much more productive of revenue. That rise in prices which so increased the costs of running the state increased also the potential value of the royal lands. Rents responded to the advance in prices of agricultural products, though the crown did not immediately or automatically profit by the rise in rents. In 1555 the committee of the council appointed for lands and possessions thought it good that a survey be made of all the queen's possessions in every shire and hundred as the first step toward increasing her majesty's income; but on the next points the sub-committees entirely disagreed. One party favored the letting of all lands, possessions and manors to farm for twenty-one years, as in that way the

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<sup>8</sup> R. O., Exchequer of Receipt, Misc. Books, 259, Exchequer issues. See appendix of disbursements of the Court of Exchequer.

<sup>9</sup> R. O., State Papers, Domestic, Mary, I, No. 5.

revenue would be made more certain, and the expenses of stewards, bailiffs, auditors, surveyors and receivers much reduced.<sup>10</sup> "Farming" the revenues was beginning to find the favor of the experts; it was concurrently urged for the customs, where the "example of other kingdoms and dominions" showed how advantageous it was. The farming of the lands and manors was not, however, adopted. More careful attention was paid to the making of new leases, which were to be drawn up only by the officers of the courts; fines for entry seem to have been increased, and rents raised. At any rate the land revenues steadily increased throughout Mary's reign, and this increase continued without interruption in Elizabeth's time. The clear yield of the crown lands in the Court of Augmentations was £26,883 in the year 1552-1553, the last year of Edward VI, and the first of Mary; in the year 1556-1557 the yield of lands in the Augmentations office of the Exchequer was £47,723, and in the first year of Elizabeth £69,460.<sup>11</sup> In the Duchy of Lancaster the issues of crown lands show a similar, but smaller increase, from £6,628 in the year 1552-1553, to £7,808 in the year 1558-1559.<sup>12</sup> The land revenues thus incremented again became the most important in the state.

But though land was the chief source of wealth in early Tudor times, investments were also taking other forms. Commercial wealth, especially the riches derived from foreign commerce, had for a long time been rising to a more exalted place in the national economy. The appearance of Edward I's customs, the old customs of 1276 and the new customs of 1302, is an evidence of the recognition of this. The growing importance and power of commercial wealth was amply illustrated by the aid which the Hanseatic League gave to Edward IV, and the renewed concessions which the league was able to extort from

<sup>10</sup> R. O., State Papers, Domestic, Mary, VI, No. 22; B. M., Additional MSS., 12504, ff. 164, 166; Titus, B. IV, f. 135.

<sup>11</sup> R. O., Augmentations Office, Treasurer's Roll of Accounts, No. 8; R. O., Exchequer of Receipt, Declaration Books, Pells, I; B. M. Lansdowne MSS., 4, f. 182.

<sup>12</sup> R. O., Duchy of Lancaster, Accounts Various, bundle VIII.

him in the treaty of Utrecht. It was also in this reign that the merchants of the Staple at Calais assumed the responsibility for the maintenance of the English garrison there, using for this purpose the wool customs which they paid. The importance of the wealth of foreign commerce was recognized by Henry VII, and he aimed to increase it. He could not endure, said Bacon, to see trade sick. The commercial treaty of Medino del Campo of 1489 with Spain, securing reciprocal freedom for English and Spanish merchants in Spain and in England; the treaties with Florence and Norway, and the *Intercursus Magnus*; and the aid which he gave to merchants in the form of loans<sup>13</sup> show his zeal for stimulating foreign trade. His motives were not exclusively the altruism of the paternal despot. First in his mind was the increase of the customs duties in the ports. Some of the loans to merchants specifically provided for the import of a certain amount of goods within a certain time. Henry designed to use the increasingly important commercial wealth as the subsidiary basis of a revenue system resting chiefly on land. Inasmuch as commerce was a very delicate organism, perhaps easily injured by increases in duties, Henry VII made only unimportant alterations in the existing scales. He provided easy conditions for the growth of commerce, satisfying himself with the augmented revenues coming from a larger bulk of transactions. He also tried to abolish the exemptions and privileges of foreign merchants in England, including the Hanseatic League, and to secure more faithful fulfillment of their duties by the custom house officials. At first the value of goods upon which the duty was paid was that declared by the merchant on his oath, but in 1507 an official Book of Rates showing the value

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<sup>13</sup> The surplus which Henry VII accumulated in the course of his reign was not withdrawn from circulation and laid up in solid gold and silver money in great chests, as is generally believed. (Cf. Cunningham, *Growth*, I, 545, and also I, 487). It was advanced to merchants in London Italian, Flemish and English, on certain easy conditions, for the advancement of trade. R. O., Treasury of Receipt, Misc. Books, 214, Accounts of the Treasurer of the Chamber.



officially fixed was issued for London.<sup>14</sup> This local book was made the basis for a national Book of Rates in 1536, applying to the whole kingdom. The customs revenue steadily increased throughout the reign of Henry VII. This healthy growth continued for much of the period of Henry VIII, but in his latter years the returns from customs fluctuated, and in the time of Edward VI they declined.<sup>15</sup> The prosperity of the trading classes was shown by their ability to purchase land in great quantities. The prestige of English merchants abroad was so great that the credit of London merchants would secure loans in Flanders for which the credit of the king was not sufficient; their resources were again indicated by the ability of the Merchant Adventurers and the merchants of the Staple to advance great sums to the king by way of loans. By the time of Edward VI the influence of the London merchants had become so great as to secure the revocation of the privileges of the Steelyard and to undertake the beginnings of the Muscovy Company in the voyage of Willoughby and Chancellor in 1553. These are all indications of a vigorous and increasing foreign trade in the middle of the sixteenth century. The decline in Edward's customs revenues meant not a decline in English trade, but a maladjustment of the revenue system. For this there were several causes. There was laxness and dishonesty in the custom houses and dues were not truly paid.<sup>16</sup> More important than this, all dues were collected on the valuations of the national books of

<sup>14</sup> N. S. B. Gras, "Tudor Books of Rates," *Quarterly Journal of Economics*, XXVI, 766ff.

<sup>15</sup> The average receipts 1538-1539 to 1546-1547 were £40,120 a year; Schanz, *Englische Handelspolitik*, II, p. 12. The receipts in the year 1550-1551 were £23,386 in the ports in England and £2,511 at Calais. The Calais customs were, however, unusually small this year. In 1548-1549 they had been £6,752 and in 1549-1550 £4,164. B. M., Additional MSS., 30,198.

<sup>16</sup> R. O., State Papers, Domestic, Mary, XIII, Nos. 49, 50, charges of loss to the queen through fraudulent weighing of wools. "Historical MSS. Commission, Hatfield MSS.," I, 148, complaint of great frauds in the custom house by the customers and controllers, who are often in business themselves. Cf. Dowell, "History of Taxes," I, 180; Cunningham, "Growth," I, 549.

rates of 1536 and 1545, which were themselves the valuations fixed in 1507. With the rise in prices, these valuations no longer corresponded to the actual market prices of goods in the middle of the century. In the third place articles like wool, on which the customs revenue was formerly very great, were exported in smaller quantities, while the existing duty on commodities like cloth, beer, and wine, in the increased exchange of which the growth of commerce consisted, was too low. As far as the official valuations were concerned the situation was clearly recognized by a royal commission in Edward VI's reign. Pointing out the discrepancy between the market price and the rated value, the commission declared it meet to take measures for the profit of this custom, and that additional returns from new rates or valuations were very necessary.<sup>17</sup> A committee of the council studied the matter in Mary's reign, and reported: "It seems necessary that goods of all sorts are imported and exported and shall be specified in a book with their true modern value, and that customs and subsidies [of tonnage and poundage] shall be paid according to the true value and quality of the same goods at these times."<sup>18</sup> On May 28, 1558, the new Book of Rates with modern valuations, based on recent inquiry was issued. It raised the older rates by approximately seventy-five per cent, on the average. The privy seal prefaced to the book of rates remedied the decrease in the customs caused by the falling off in the export of wool. Because "much less wool is shipped . . . and much more wool made into cloth within our Realm and carried out of the same in cloth by way of merchandise, . . . and because the custom and subsidy of wool carried out of this realm in wool doth far exceed the custom and subsidy of so much wool after the rate clothed. . . . We therefore minding in reasonable sort to maintain our customs as the most ancient and certain revenue of our crown . . . have assessed upon cloths to be carried forth by way of merchandise

<sup>17</sup> Gras, "Tudor Books of Rates," 774; B. M., Additional MSS., 30198.

<sup>18</sup> R. O., State Papers, Domestic, Mary, VI, No. 22; B. M., Titus, B. IV, f. 35.

[new] rates for the customs and subsidy."<sup>19</sup> By the new impost which took the place of the older customs and subsidy, the cloth trade was made to contribute a fairer share to the necessities of the state. A few weeks before the issue of the new book of rates, and the impost on cloth, the council had laid similar imposts on the wines of France and French dry wares imported, and on beer exported.<sup>20</sup> The increase brought by the new valuations, the new duties and the greater strictness in the custom houses which the council enjoined was immediate. From £25,900 in 1550-1551, and £29,315 in the fourth year of Mary's reign, the customs revenues rose to £82,797 in the first year of Queen Elizabeth, divided as follows,—old customs £25,797; for the rate of wares newly appointed £20,000; custom of the Staple £4,000; new increase upon cloth £26,000; new increase upon wines £4,000; the custom of beer £3,000.<sup>21</sup> The new Book of Rates and the new duties or imposts were the second great contribution of Mary to a rehabilitation of the finances. As in the case of the lands, Elizabeth reaped the advantages of Mary's innovations. Elizabeth's councillors extended the new imposts to all wines, and reissued the Book of Rates at various times. The customs became of almost equal importance with the land revenues as the basis for national finance, just as commercial wealth was tending to greater equality with landed wealth.

But it must not be supposed that all was smooth sailing in the financial history of Mary's reign. The constructive policies were slow in their development. Throughout the reign the government needed money, for the support of the increased establishments, and, in the last year, for the war with France, which was fortunately quick and decisive. But crown lands were not sold, and the coinage of debased money was not resumed. The government depended chiefly on loans and taxes, to meet its exigent demands. The debts beyond seas had been decreased in

<sup>19</sup> B. M., Lansdowne MSS., 3, f. 143.

<sup>20</sup> "Acts of the Privy Council," n. s., VI, 305, April 17, 1558.

<sup>21</sup> B. M., Lansdowne MSS., 4, f. 182; an estimate or report on the revenues for the year 1559-1560 prepared for Cecil, and annotated in his hand.



the last months of Northumberland's administration to £61,000 by midsummer, 1553. This reduction was made by allowing the payments in the various government departments to fall very much further into arrears.<sup>22</sup> Northumberland was anxious to pay the debts of the realm abroad, the Flanders loans; Mary's council seems to have decided that it was better to pay the charges and expenditures of the state promptly, and to accept frankly, as necessary aids in doing this, further foreign loans, even at twelve and fourteen per cent, which the future could redeem. As in the latter part of Edward VI's reign, Sir Thomas Gresham was the general agent in Flanders for the loans. Between March 21, 1554, and July 31, 1557, he repaid forty-nine bonds, with interest and brokerage charges of foreign bankers, together with certain sums due to the Staplers and Merchant Adventurers to the amount of £312,084-5s.-9d. He negotiated new loans, many of them prolongations of former loans to the value of £234,733-4s.-4d. The total interest and prolongation charges for the period were £31,224, which is possibly only a small part of the saving realized by the state by the prompt payment of its officers, servants, purveyors and other like creditors. For certain money, 300,750 ducats, raised by bills in Antwerp, he had to go to Spain. The money was delivered to him by the bankers of Medina de Rioseca and Medina del Campo at Seville; from Seville he had to carry it to the sea-side packed in great boxes, some of which broke with a loss of 231 ducats,—which the commissioners refused to allow when his account was made before them. In his dealings, such was "his wisdom," as his declaration of account modestly phrases it, that he raised the value of English money in exchange to be of more value than the money of Flanders, two shillings in the pound in March and April, 1554, one shilling in May, 1557, and six pence in August, 1555.<sup>23</sup>

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<sup>22</sup> R. O., State Papers, Domestic, Mary, I, No. 14. The foreign debt is put at £72,000 at about the same time in another paper, IV, No. 6.

<sup>23</sup> R. O., Declared Accounts, Pipe Office, No. 18. The accounts of Gresham's transactions are continued in Nos. 23, 26.

Though most of the loans were raised in Flanders, the queen occasionally called upon the City of London for advances. On the first Sunday of September, 1553, she demanded £20,000 of the City of London. The sum of £10,000 was actually advanced, and repaid within the month.<sup>24</sup> In August, 1556, the City of London advanced £6,000.<sup>25</sup> In March, 1558, after the loss of Calais the queen demanded a loan of 100,000 marks (£66,666-13s.-4d.) of the city, which was reduced to £20,150-12s.-1d. when it was paid. The queen pledged lands worth £1,007-10s.-7¼d. a year for repayment, and paid interest at twelve per cent, for the taking of which, contrary to the usury laws, the queen had to issue special licenses to the London aldermen.<sup>26</sup> The Merchant Adventurers were so "forward" and liberal at this time that the queen wrote them a special letter of thanks, promising them her special favor in any reasonable suits.<sup>27</sup>

The taxes of parliamentary grant used to eke out the crown resources were the ordinary subsidies and fifteenths and tenths of the laity, and the subsidies of the clergy. In her first parliament the queen remitted the last subsidy granted to Edward, unpaid at his death. In 1555 a subsidy payable in 1556 and 1557 was granted by the laity, and a subsidy of six shillings in the pound by the clergy. Parliament was willing at this time to make a further grant of two fifteenths and tenths which the queen was graciously contented to refuse with her thanks.<sup>28</sup> In January, 1558, as a war measure, a subsidy and one fifteenth and tenth were granted, besides a clerical subsidy of eight shillings in the pound. Of interest in connection with the subsidies is not the frequency with which they were asked, nor their yield,<sup>29</sup> but the stiffening resistance of parliament to the taxes,

<sup>23</sup> For the value of the Marian taxes, see Appendix.

<sup>24</sup> Wriothesley's Chronicle, II, 100 (Camden Society Publications, n. s., Vol. 20); "Acts of the privy council," n. s., IV, 343, 353.

<sup>25</sup> "Acts of the privy council," n. s., V, 321.

<sup>26</sup> R. O., State Papers, Domestic, Mary, XIV, No. 83.

<sup>27</sup> R. O., State Papers, Domestic, Mary, XII, No. 66.

<sup>28</sup> "Commons' Journal," I, 28, 31.

and the insistence of the government on more exact and complete payment, with the punishment of those who sought to evade the taxes.<sup>30</sup>

Near the end of the reign too, the century-old device of the forced loan, half arbitrary tax, and half loan, was revamped. In 1556 the richest subjects of the kingdom were called upon to lend the queen £100 apiece, to be repaid within a month of All Saints (November 1), 1557.<sup>31</sup> In September, 1557, to raise the money to repay the levy of the past year, and to supply other needed sums, a more elaborate loan was practiced. Commissioners sat in each district, as in the case of a subsidy, and rated each man's value with the assistance of the subsidy books, and the testimony of neighbors. Having made the assessments, the commissioners were to collect the money, taking not under £10, nor more than 100 marks (£66-13s.-4d.). Those who firmly refused to pay without cause were to be cited before the council, as many persons indeed were. Certain counties, Derby, Chester, Lancaster, York, and Nottingham were exempted from the loan, because of the service which they had "done us in the war amongst our enemies the Scots." The loan realized £109,-267-0s.-4d.; of this £42,100 was used to repay the loan of 1556, and the rest was apparently used for the general purposes of the state, since the recovery of Calais was not immediately attempted.<sup>32</sup> Though privy seals were given as receipts to those who had contributed, no promise of repayment was made as in the previous year, and no repayment seems ever to have been made.

Note must be taken finally of the retrogressive steps in the financial history of Mary's time. These are closely and intimately connected with the political and especially the religious

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<sup>30</sup> The Commons' Journal notes "arguments" on the necessity of summoning members of the house before the queen in connection with all the taxes of the reign. For insistence on more complete and speedier payment see "Acts of the Privy Council," n. s., V, VI.

<sup>31</sup> B. M., Cleopatra, F. VI, f. 299, a privy seal for the loan.

<sup>32</sup> R. O., State Papers, Domestic, Mary, XI, Nos. 44, 45, 46; XVI, No. 49; XIII, No. 36. The last is the account of Richard Wilbraham, receiver-general of the loan.



situation; they proceeded partly from Mary's sense of loyalty and gratitude to the church, partly from her sense of stern honor and exact justice. The confiscations and forfeits accruing to the crown by the ruin of her enemies, Mary balanced by restoration to name and lands of persons attainted by her father and brother.<sup>33</sup> She reërected the hospital of St. John of Jerusalem, she restored the abbey of Westminster, and returned the monastic lands in Ireland to their original uses. She was even resolved to restore all the monastic lands in crown possession to the church, and actually ordered perfect declarations of all her revenues made and presented to this end. "She preferred the salvation of her soul to the maintenance of her imperial dignity, if it could not be furnished without such assistance." But the councillors would not take the necessary steps; their passive resistance defeated her purpose.<sup>34</sup> She was however able to accomplish the surrender of the first fruits and tenths of the clergy and the alienation of the rectories, parsonages, glebes, benefices inappropriate and other spiritual livings in the hands of the crown, though the bill was bitterly opposed in parliament.<sup>35</sup> The surrender was made as a gift to the church, to be placed at the disposition of the Cardinal Pole, for the augmentation of the poor livings of priests.<sup>36</sup> The surrender of the first fruits and tenths alone, would have been a dead loss to the royal revenues of something less than £25,000 a year. But the alienation was not so immediately serious as Mary's enemies in Elizabeth's reign and since have alleged. For the gift to the church carried with it the payment of pensions and corrodies of the late monks, nuns and chantry priests to a very great sum. The pensions of the chantry priests alone were £11,147 a year;<sup>37</sup> the entire payments of this nature were £44,861-8s.-9d. in the year 1550-

<sup>33</sup> A paper in State Papers, Domestic, Elizabeth, I, No. 64, gives the value of lands returned to such persons £9,796.

<sup>34</sup> Dixon, "History of the Church of England," IV, 359.

<sup>35</sup> See Dixon, "History," IV, 449, note, for extracts from the Commons' and Lords' Journals, noting the debates and arguments.

<sup>36</sup> "Statutes," 2 and 3, Philip and Mary, c. 4.

<sup>37</sup> "Historical MSS. Commission," Hatfield MSS., Vol. I, 75.

1551.<sup>38</sup> In time these pensions would cease, and then there would be at the disposal of the church a goodly sum for the benefit of its most poorly paid priests, but it was eighteen months after the passage of the act of surrender before the fund sufficed to do more than pay the pensions besides the remission of the tenths of the smallest livings. The net loss to the crown was not very great; before the pensions became markedly smaller than the gross value of the "gift," it was resumed. The greatest and practically the only change which Elizabeth made in the financial policy of her sister and her sister's government was the revocation of the various restorations which Mary had made to the church; especially the repeal of the act of 1555, and the resumption by the crown of the first fruits and tenths, and the spiritual livings.

In the history of the finances of the Tudor sovereigns, the critical years are those of Edward VI and Mary. Under the first, the system built up by Henry VII, Henry VIII and Cromwell nearly broke down, through the misgovernment of the times and the continuance of war drains. Had it done so, there must have come great constitutional changes in connection with the organization of a new system. But Mary's government was strong and capable enough to gather together the remaining resources of the old system, and so conserve, husband and increase their productivity, that, with the careful parsimony of Elizabeth it worked for another half century. The question of a new organization was put off until the seventeenth century; when it forced itself upon the Stuarts, they were too weak and incompetent to deal with it. The example of Holland, and the Long Parliament were necessary before the new system could be set up, and with it, the promise of the *Confirmatio Cartarum* be realized.

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<sup>38</sup> B. M., Additional MSS., 30198.

## APPENDIX







TABLE I—THE EXCHEQUER—PART II  
RECEIPTS

For the year ending at Michaelmas, except as otherwise noted	Clerical Tenths (Reign of Mary)	Clerical Subsidies (Reign of Mary)	Money from Sale of Lands (Reign of Mary)	Fines of Leases (Reign of Mary)	Miscellaneous	Total Receipts	Assignments by tallies: revenue not actually re- ceived at the Exchequer and not included in the total receipts but ac- counted for in the Ex- chequer Court
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Easter, 1547, to Michaelmas, 1547..						119,791- 3- 7	*
1548.....						60,367- 2- 1	*
1549.....						73,484-17- 0	*
1550.....						64,535- 2- 1	*
1551.....						90,213- 4- 5	19,264- 3-10 <sup>1</sup>
1552.....						69,136- 5- 1	*
Michaelmas, 1552, to July 6, 1553.....							*
July 6, 1553, to Easter, 1554.....	972- 8-11				3,047-16-10 <sup>2</sup>	135,717-19- 0	*
Easter, 1554, to Michaelmas, 1554..							*
1555.....	8,470-12- 1	4,649- 2- 4			880-13- 4 <sup>2</sup>		*
1556.....	10,694- 5- 1	10,815- 4- 4			217- 3- 2 <sup>2</sup>	147,770- 6- 2	3,557- 7- 4
1557.....	3,744-18- 3	9,488-13- 6				232,366- 8-10	10,829-17- 8
1557.....	920- 0- 2	17,719-19- 0	7,410- 6- 1	5,069- 7- 4			1,498- 8- 2
Hilary term, 1558....	240-10-10	7,778- 6- 8	515- 9- 4	144-14- 8	6,917- 1- 8 <sup>2</sup>	59,224-16- 1	

<sup>1</sup> Similar assignments by tallies were made in every year of Edward VI's reign; for the house hold and wardrobe, for rewards to sheriffs and customs officials and for fees and annuities. Of the assignments in the year 1551, £10,845-0-8 came from customs revenue, and £4,600 from land revenue. The total customs revenue of the year was therefore £32,762-6-3.

<sup>2</sup> "For the fines of them that refused knighthood or made default to come for the same, being summoned by writ for that purpose."

<sup>3</sup> The Forced Loan of 1557.



TABLE II—THE EXCHEQUER—PART I  
DISBURSEMENTS

The entries in this table are not a complete record of Exchequer disbursements. When given, the payments represent the complete expenditures in the Exchequer for any particular purpose, but a blank does not denote absence of payment.

For the Year ending at Michaelmas	ORDINARY CHARGES						Jewels	Buildings and Fortifications	Marine Causes (Navy)
	Rees, wages and annuities payable at the Exchequer	Annunities out of the late Augmentations (Court Mary)	Ordinary Household Payments	Ordinary Wardrobe Payments	Total				
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1547. ....	13,617-14-4		11,197-15-9	300-0-0	27,572-11-4	9,758-1-10	2,000-0-0	11,400-0-0	
1548. ....	11,032-16-4		16,328-0-0	150-0-0	18,773-6-3		3,200-0-0	7,648-7-9	
1549. ....	10,257-1-4		8,143-0-11	300-0-0	28,023-4-1				
1550. ....	12,954-3-4		14,588-0-9	300-0-0					
1551. ....				300-0-0					1,500-0-0
1552. ....	13,446-17-0			300-0-0	15,763-9-7				
1553. ....	19,710-4-8			300-0-0	25,419-16-4				
1554. ....	20,443-0-7	8,733-1-9		300-0-0	31,342-16-4				
1555. ....	30,036-1-5	25,246-4-6		300-0-0	56,874-14-3				
1556. ....	30,125-7-0	8,972-17-2	13,689-14-0	300-0-0	53,528-6-3				13,396-0-0
1557. ....	31,000-0-0	5,000-0-0		300-0-0	36,913-17-8				40,000-0-0
1558. ....	30,882-13-1	4,495-2-1	20,001-17-0	300-0-0	55,700-0-0				
1559. ....				300-0-0	35,244-3-0				

TABLE II—THE EXCHEQUER—PART II  
DISBURSEMENTS

The entries in this table are not a complete record of Exchequer disbursements. When given, the payments represent the complete expenditures in the Exchequer for any particular purpose, but a blank does not denote absence of payment.

For the Year ending at Michaelmas	Ordnance Department	Charges at Boulogne	Charges at Calais	Charges at Berwick	The Army in the North	Ireland	Extra Charges in the Wardrobe	Miscellaneous War Purposes
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1547.....	4,221- 8- 1	9,500- 0- 0	3,320- 0- 0		4,000- 0- 0		11,000- 0- 0	
1548.....			3,000- 0- 0				3,000- 0- 0	
1549.....		6,000- 0- 0	1,750- 0- 0		20,865- 4- 8			6,528- 5- 5
1550.....		6,500- 0- 0	1,000- 0- 0					1,200- 0- 0
1551.....								
1552.....								
1553.....								
1554.....								
1555.....								
1556.....			20,500- 0- 0	1,000- - 0	24,080- 0- 0	7,496- 5- 6		
1557.....	9,300- 0- 0		20,500- 0- 0				1,000- 0- 0	
1558.....							5,240- 0- 0	
1559.....								





## TABLE III—THE DUCHY OF LANCASTER

## RECEIPTS

(A blank indicates no disbursements; an asterisk (\*) indicates that the record is wanting.)

The Year Ending Michaelmas	Arrears of the Revenue of Past Years Received			Issues of the Lands of the Duchy			Arrears of the Revenue of Past Years of Monastic Lands in the Jurisdiction of the Duchy			Issues of Monastic Lands Cum Ripon, in the Jurisdiction of the Duchy			Miscellaneous			Total		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1547.....	751-10	0	1	7,443-19	10		100-1	2		1,191-19	7					9,487-10	10	
1548.....	557-0	0		7,054-13	0		185-7	0		1,315-10	10					9,112-10	11	
1549.....	895-10	3		6,517-0	5		120-16	3		1,218-18	3					8,753-1	6	
1550.....	*			*			*			*						*		
1551.....	1,201-8	0		7,151-11	4		259-5	7		1,208-9	0					9,820-14	1	
1552.....	1,764-9	5		7,475-1	2		497-18	11		1,086-8	1		169-13	5		10,993-11	1	
1553.....	1,197-11	5		6,286-14	7		423-3	6		1,127-16	0		21-10	6		9,056	16	2
1554.....	1,173-0	2		6,628-4	8		143-13	1		1,438-16	11		64-8	5		9,448-3	5	
1555.....	1,441-1	5		7,469-18	2		134-9	0		1,420-10	4		28-9	5		10,499-8	5	
1556.....	1,153-5	7		7,743-1	7		251-0	9		1,482-19	1		6-5	11		10,636-13	1	
1557.....	1,031-19	5		7,362-1	6		115-7	8		1,123-12	0		28-18	8		9,661-19	5	
1558.....	1,317-5	2		7,335-16	4		89-10	4		1,388-8	3		2,077-13	3		12,208-13	8	
1559.....	1,607-5	9		7,808-1	7		453-6	11		1,284-15	4		1,517-3	3		12,871-2	11	

TABLE IV—THE DUCHY OF LANCASTER  
DISBURSEMENTS

(A blank indicates no disbursements; an asterisk (\*) indicates that the record is wanting.)

For the Year Ending Michaelmas	Fees, Wages, Allowances in the Court				"PAYMENTS TO THE KING'S USE"						Total	Balance in Hands of the Receiver-General of the Duchy
	Household		King's Chamber		Payments for Services		Miscellaneous		Total			
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.		
1547.....	661- 6- 0	5,000- 0- 0	2,000- 0- 0	0- 0- 0	1,444- 9- 8	0- 0- 0	8,844- 9- 8	7,000- 0- 0	7,661- 6- 0	1,685- 8- 11	2,924- 2- 9	
1548.....	989- 5- 10	3,000- 0- 0	3,328-18-11	0- 0- 0	911-10- 0	0- 0- 0	10,471-17-10	8,271- 9- 10	8,229-14- 9	0- 0- 0	*	
1549.....	800- 5- 9	6,000- 0- 0	2,375- 4- 0	0- 0- 0	2,365-18-11	0- 0- 0	6,753-11- 6	6,471- 0- 0	11,541- 8- 8	0- 0- 0	*	
1550.....	*	*	*	0- 0- 0	1,400- 0- 0	0- 0- 0	8,844- 9- 8	7,000- 0- 0	9,977-14- 3	2,011-10- 5	*	
1551.....	1,132- 4- 7	6,000- 0- 0	1,400- 0- 0	0- 0- 0	1,444- 9- 8	0- 0- 0	10,471-17-10	8,271- 9- 10	11,275- 1- 6	1,940-13-11	1,855-14- 0	
1552.....	803- 3- 8	6,000- 0- 0	2,531- 0-11	0- 0- 0	1,939-16-11	0- 0- 0	8,271- 9- 10	7,375- 4-10	9,375- 4-10	1,855-14- 0	1,904-10- 4	
1553.....	1,103-13- 0	4,014-13- 4	4,256-16- 6	0- 0- 0	753-11- 6	0- 0- 0	6,753-11- 6	6,471- 0- 0	9,394- 1- 3	1,904-10- 4	5,201- 2-11	
1554.....	2,640- 9- 9½	6,000- 0- 0	471- 0- 0	0- 0- 0	183- 4- 8	0- 0- 0	6,471- 0- 0	7,150-13- 2	15,649- 9- 9	49-19-10	1,138- 7- 7	
1555.....	679-13- 2	6,000- 0- 0	471- 0- 0	0- 0- 0	27-15- 0	0- 0- 0	14,971- 5- 8	8,356-11- 8	9,048- 4- 6	1,138- 7- 7	9,602-17- 9	
1556.....	678- 4- 1	14,788- 1- 0	8,356-11- 8	0- 0- 0	5,000- 0- 0²	0- 0- 0	8,356-11- 8	27-15- 0	756- 0-10	3,167-11- 9	3,167-11- 9	
1557.....	691-12-10	8,356-11- 8	3,156-16-11	0- 0- 0	323- 6- 8	0- 0- 0	27-15- 0	21,123-12- 0	22,217-19- 8	3,167-11- 9	3,167-11- 9	
1558.....	728- 5-10	12,643- 8- 5	3,156-16-11	0- 0- 0	323- 6- 8	0- 0- 0	27-15- 0	21,123-12- 0	22,217-19- 8	3,167-11- 9	3,167-11- 9	
1559.....	1,094- 7- 8	12,643- 8- 5	3,156-16-11	0- 0- 0	323- 6- 8	0- 0- 0	27-15- 0	21,123-12- 0	22,217-19- 8	3,167-11- 9	3,167-11- 9	

<sup>1</sup> Of this £1,940-13-11 was allowed for fall in the value of coin in the hands of the receiver-general in consequence of the proclamations of July and August, 1551.

<sup>2</sup> For charges at Berwick.

TABLE V—THE COURT OF WARDS AND LIVERIES

## RECEIPTS

(A BLANK INDICATES NO RECEIPT)

Year Ending Michaelmas	Arrears of the Revenue of Past Years Received	Issues of Wards' Lands in the King's Hand	Sale of Wardships and Marriages	Mean Rates	Fines for Livery of Lands	Fines for Contempt of the Court	Licenses for Widows to Marry	Fines for New Leases	Total
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1547.....	1,361- 6- 7	5,914- 8- 4	1,116-13-10	30-18- 8	1,893- 4-11				10,316-12- 5
1548.....	99- 6- 5	4,761-13- 6	816- 1- 0	9-19-11	2,264- 1- 0				7,951- 1-11
1549.....	2,385- 8- 2	5,583-15- 0	1,880-13- 8	100- 0- 2	2,931-16- 2				12,881-13- 4
1550.....	5,932- 0- 4	6,512- 7-10	4,243-16- 0	181- 4- 1	3,923- 3- 9				20,792-12- 2
1551.....	2,768-18- 4	6,328-17- 4	3,950-14- 4	216- 9-10	3,099-12- 5	23- 6- 8			16,387-16- 4
1552.....	1,373-12- 0	6,325-16- 9	3,691-19-10	132- 2- 4	4,813- 8- 2	97-15- 6			16,434-14- 7
1553.....	762-11- 1	5,320-14-10	3,311-10- 0	234- 3-11	5,233-17- 1				14,933-19- 3
1554.....	928-15- 1	7,888- 0- 4	2,700-18- 4	209-13- 7	3,355-17- 3				15,147-17- 3
1555.....	986- 2- 9	8,255- 5- 7	3,110-18- 7	115- 4- 7	3,793-19- 9	64- 8-10			16,332-10- 3
1556.....	1,428- 4- 9	10,007- 2-11	4,860-18- 5	233- 7- 5	5,049- 0-10	86- 2- 2			21,744-16- 8
1557.....	971-11 4	6,964- 6- 6	4,299- 3- 4	160-12- 0	4,970- 1-10	337- 8-10			17,703- 3-11
1558.....	1,154-10- 6	6,199-13-10	4,245-10- 0	360-17- 4	4,700- 5- 4	128- 2- 2			16,788-19- 4
1559.....	840-10- 1	10,124-12- 5	5,003-10- 0	624-16-11	5,700-13-11	115- 5- 6	18- 0- 0	350-12- 2	22,837-19- 2



TABLE VI—THE COURT OF WARDS AND LIVERIES—PART I  
DISBURSEMENTS  
(A BLANK INDICATES NO DISBURSEMENT)

Year Ending Michaelmas	Fees and Wages of the Court	Annuities Going Forth of Lands	Exhibitions of Wards	Jointures and Dowers	Paid by Warrants or Decree of the Court	Necessary Expenses of the Court and Reparatons	MONEY PAID UPON THE WARRANTS OF THE COUNCIL			
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	Military and Naval Purposes	Wardrobe	Household	New Years Gifts and Plate
1547.....	670-12-8	95-8-9	696-17-8		99-1-5	11-3-5	2,000-0-0			
1548.....	715-12-10	66-6-8	298-7-9			6-6-11	2,000-0-0			
1549.....	673-18-4	158-0-0	240-15-4			320-4-2	2,722-11-0			
1550.....	708-6-2	314-2-6	388-7-3		46-13-4	116-14-5	5,612-7-7			
1551.....	411-10-0	119-6-8	366-7-9	20-0-0	133-3-11	364-7-0	2,829-13-4			1,290-17-0
1552.....	465-15-0	314-6-8	678-12-0	20-0-0	22-16-8	429-2-7	3,610-0-0	1,087-2-6	732-0-0	1,514-15-0
1553.....	475-15-0	226-13-4	659-10-0	20-0-0	5-6-8	625-19-7	950-0-0	2,895-5-0		
1554.....	511-5-0	285-10-0	390-0-0	20-0-0	224-2-6	312-9-3	500-5-9	1,641-11-11		1,214-11-10
1555.....	628-6-8	163-6-8	508-11-7	93-6-8	15-16-10	269-2-11		1,554-13-0	9,050-0-0	1,859-8-2
1556.....	473-0-0	148-10-0	461-11-8	86-13-4	40-10-4	452-2-1			20,000-0-0	
1557.....	807-5-4	121-3-4	360-0-0	86-13-4	10-15-0	113-16-7			13,275-0-0	
1558.....	824-5-4	107-16-8	362-10-7	20-0-0	40-15-0	57-5-2	2,508-11-11	1,000-0-0	9,625-15-5	
1559.....	803-5-4	138-9-4	791-13-1	31-11-1	185-16-1	161-5-2	881-8-0		15,000-0-0	



TABLE VII—THE COURT OF AUGMENTATIONS AND REVENUES  
RECEIPTS

For the Year Ending at Michaelmas	Arrears of rents, of sale money and other debts due to the Court, and money in the hands of the Treasurer at beginning of year			Revenues and Rents of Lands and Possessions			"Gratum onus"			Money received from the sale of lead, chattels, structures of gilds, chantries, bells and ornaments			Money Received from the Sale of Lands			Fines of Leases			Money paid into the Court for various purposes, especially money returned by treasurers of wars, etc.			Total Receipts of the Year		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1547 .....	*			48,308-	0-	0	*			392-	0-	0	12,284-	0-	0	313-	0-	0	4,890-	0-	0	*		
1548 .....	123,694	17-	8	51,058-	3-	6	547	18	10	3,107	14	10	112,969	18-	0	374-	5-	8	4,481	16-	3	162,739	16-	1
1549 .....	109,672	17-	8	41,319-	9-	5	607-	6	10	1,010-	0-	8	92,695	14-	0	256	12-	6	1,391-	2-	8	137,280	7-	1
1550 .....	113,024	18-	5	32,082	11-	8	120-	0-	0	4,891	16-	3	47,286-	9-	3	1,411-	6-	9	542-	0-	9	93,455	16-	6
1551 .....	93,905-	8-	0	47,163-	4-	5	2,131	12-	4	1,454	10-	5	7,856-	0-	4	1,968	13-	8	902-	8	11	54,140	18-	5
1552 .....	90,145	10-	3 <sup>1</sup>	47,499-	1-	7	1,329-	0-	4	4,456-	3-	5	5,104-	9-	3	585-	5-	2	1,464-	0	11	60,438-	0-	8
Michaelmas, 1552, to January 23, 1554....				26,883-	9-	10	188-	0-	0	49,113	15-	0	16,623	19-	11 <sup>2</sup>	156-	2-	8	271-	0-	0	121,682-	1-	4

<sup>1</sup>Reduced from £104,569-15-5 by allowances of the council.<sup>2</sup>In the year 1553 was received from sale of lands by virtue of special commissions, omitted in accounts of divers preceding years £28,445-13-11. Of this £1,864-11-0 was "in the time of Edward North" and £26,581-2-11 "in the time of John Williams," successive treasurers of the court.





TABLE VIII—COURT OF AUGMENTATIONS AND REVENUES—PART II  
DISBURSEMENTS

For the Year Ending at Michaelmas	PAYMENTS OR PRESTS BY COUNCIL OR OF WARRANTS OF THE KING									
	Payments by Warrants of the Court on the Chan- cellor of the Court	Miscellaneous Payments	Marine Causes	General Military Pur- poses—Wages of Sol- diers, etc.	Ordnance	Boulogne	Calais and the Pale in France	Berwick, and the Army in the North	Ireland	
January 27, 1547, to Michaelmas, 1547...	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
1548.....	* 4,060-5-0	*	7,055-0-0	462-0-0	1,422-17-4	7,573-0-0		70,440-0-0	200-0-0	
1549.....	3,844-11-1		30,380-19-8	6,561-10-5	3,268-3-11	19,125-10-10		14,318-1-8		
1550.....	5,356-18-10		11,877-8-11	17,469-13-6	8,702-16-8	10,866-13-4	4,033-6-8			
1551.....	2,840-1-9	6,747-19-11 <sup>1</sup>	4,508-3-0	800-0-0	198-9-6		666-13-4	498-18-4	880-0-0	
1552.....	3,327-18-5	1,460-0-0 <sup>2</sup>	1,622-17-4	2,473-0-0	100-0-0		810-14-3	1,044-2-8	600-0-0	
Michaelmas, 1552, to January 23 1554...	1,018-5-4	18,388-18-6 <sup>3</sup>	1,519-13-4	2,773-17-0	238-19-4		598-0-0	576-7-10	1,916-7-0	
		9,409-10-5 <sup>3</sup>	500-0-0	0-0-0	285-12-2					

<sup>1</sup> Payment of pensions to "those wounded at Boulogne."

<sup>2</sup> Allowances of arrears of rents.

<sup>3</sup> Allowances made to various persons for the sale of lands, and of lead, and for the delivery of money to the king's own hands.

TABLE VIII—COURT OF AUGMENTATIONS AND REVENUES—PART III  
DISBURSEMENTS

For the Year Ending at Michaelmas	PAYMENTS OR PRETS BY COUNCIL OR OF WARRANTS OF THE KING									
	Purchase of victuals for the forces (general)	Household	Wardrobe	Purchases of cloth, goldsmith's stuff, and other materials	The Council of Wales, diets	Expenses of the Privy Chamber (private purse of the King)	Repayment of foreign loans	Payments for the king's own purposes to Peter Osborne	Payment to Sir Ed- mund Peckham	
January 27, 1547, to Michaelmas, 1547..	£. s. d. 1,500- 0- 0	£. s. d. 1,000- 0- 0	£. s. d. 4,000- 0- 0	£. s. d. 58- 0- 0	£. s. d. 648- 1-10	£. s. d. 300- 0- 0	£. s. d. 19,180-11- 5	£. s. d.	£. s. d. 3,693-16- 4	
1548.....	8,774-18- 9	10,000- 0- 0	2,000- 0- 0	98- 6- 8		200- 0- 0				
1549.....	4,955- 8- 0	7,872- 0- 0	4,000- 0- 0	360- 3- 4						
1550.....				605- 6- 6	1,422- 9- 2					
1551.....	8,165-17-10	891- 0- 8		2,772-12- 0	1,422- 9- 2			16,667- 7-11		
1552.....	1,070- 9- 1	2,868-10- 9	1,734- 3- 4	33-15- 0	1,699- 2- 6			1,800- 0- 0		
Michaelmas, 1552, to January 23, 1554...		500- 0- 0	2,153- 0- 0						8,010-10- 3	



TABLE VIII—COURT OF AUGMENTATIONS AND REVENUES—PART IV  
DISBURSEMENTS

For the Year Ending at Michaelmas	PAYMENTS OR PRESTS BY COUNCIL OR OF WARRANTS OF THE KING										Grand Total
	Payments to the Duke of Northumberland	The Duke of Somer- set's diets	To the Master of the Revels	Treasurer of the Cham- ber	Fees of ambassadors, posting charges, fees for special services, and rewards	Buildings and fortifica- tions	Diets of prisoners in the Tower	Total payments on war- rants of the king or council	£. s. d.	£. s. d.	
January 27, 1547, to Michaelmas, 1547...				3,000- 0- 0	510-16- 8	3,303- 0- 7	100- 0- 0	29,926-14- 7		£. s. d.	
1548.....				3,950- 0- 0	9,174- 3- 0	2,903-10- 6	666-13- 4	162,155- 9- 8	*	184,475- 3- 9	
1549.....				8,229- 0- 4	858-13- 4	914-15-11	800- 0- 0	99,531-14- 8		133,721-11- 9	
1550.....				1,276-10- 9	8,154- 2- 4	3,070-16- 4	800- 0- 0	81,821- 8- 9		112,579- 1- 1	
1551.....				808- 9- 2	9,087- 6- 4	5,261-17- 0	740- 0- 0	33,191- 1- 9		53,183- 7- 7	
1552.....	2,000- 0- 0	2,305- 7- 5	1,136- 0- 0	1,116-13- 4	9,575- 6- 8	1,552- 8- 0	614-12- 8	54,052-13-11		130,935-10- 0	
Michaelmas, 1552, to January 23, 1554...				152-10- 0	4,285-16- 9	1,046- 9- 8		24,152- 1- 6			

TABLE IX

## THE COURT OF FIRST FRUITS AND TENTHS

(In Mary's reign, the office of the First Fruits and Tenths in the Exchequer)

Christmas, 1547, to Christmas, 1548:

	£.	s.	d.
Arrearages charged upon the Treasurer.....	37,457-	3-	8
Compositions for First Fruits.....	5,208-	15-	4
Tenths of the Clergy.....	14,203-	8-	9
Fees of officers of the Court.....	428-	1-	3
Paid to the Judges, and the Lady Anne of Cleves.....	2,542-	4-	1
Paid on Warrants of the Council.....	1,479-	2-	3
Necessary payments .....	396-	1-	8
For discharge of Issues and Arrearages upon Certificates of Bishops as well by decrees of this court as other- wise .....	1,125-	14-	5
Rewards .....	497-	9-	4
Money imprested by virtue of letters from the Council....	14,969-	10-	11
Arrearages, carried over .....	35,431-	3-	9

Christmas, 1553, to December 31, 1557:

Issues of First Fruits, by reason of the first fruits of all incubancies for which the incumbents made composition with their Majesties from Christmas, 1553, to January 1, 1555 .....	28,367-	13-	1
Same, year 1555.....	5,793-	9-	0
Same, year 1556 .....	1,119-	18-	11
Same, year 1557.....	1,243-	7-	1
Clerical Subsidy, 1 Mary.....	1,399-	1-	0
Clerical Subsidy, 1 and 2 Philip and Mary.....	1,302-	1-	4
Clerical Subsidy, 2 and 3 Philip and Mary.....	1,164-	3-	0
Foreign Receipts .....	36-	5-	10
Total Receipts .....	67,335-	16-	1
Exoneration of First Fruits both by writ of the King and Queen under Privy Seal, as by decision of the Barons of the Exchequer.....	14,704-	14-	11
Money delivered into the Exchequer.....	40,230-	1-	5
Arrearages, carried over .....	12,401-	0-	7
Total credits .....	67,335-	16-	1

TABLE X

## SUBSIDIES AND FIFTEENTHS AND TENTHS

The subsidy granted 1545:

The second payment, due in April, 1547, .....	£ 91,244
The second fifteenth and tenth granted in 1545, due in June, 1547	29,156
The Relief granted to Edward VI in 1548:	
The first payment, due May, 1549.....	53,899
The second payment, due April, 1550.....	47,449
The third payment, due April, 1551.....	39,855
The fourth payment, due April, 1552.....	43,261
Two fifteenths and tenths granted to Edward VI in 1553, and paid in Mary's reign.....	58,000
The subsidy granted to Edward VI in 1553 was remitted by Mary.	
The subsidy granted to Mary in 1555:	
The first payment, due March, 1556.....	67,983
The second payment, due May, 1557.....	76,795
The subsidy granted to Mary in 1558, to be paid in June, 1558....	134,445
The fifteenth and tenth granted to Mary in 1558, to be paid in November, 1558.....	29,000

## CLERICAL SUBSIDIES.

A subsidy of six shillings in the pound of the value of their bene- fices granted by the Clergy in 1548, to Edward VI.....	*
A subsidy of six shillings in the pound of the value of their bene- fices granted by the Clergy in 1555 to Mary:	*
A subsidy of six shillings in the pound of the value of their bene- fices granted by the Clergy in 1555 to Mary:	
The first payment due in October, 1556.....	£ 14,078
The second payment due in October, 1557.....	13,145
The third payment due in October, 1558 (estimated).....	14,000
A subsidy of eight shillings in the pound of the value of their benefices granted by the Clergy in 1558 to Mary.	
Estimated yield, in four payments due in March, 1558, 1559, 1560 and 1561.....	56,000

NOTE: An asterisk indicates that the record is wanting.



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# Smith College Studies in History

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JOHN SPENCER BASSETT  
SIDNEY BRADSHAW FAY

*Editors*

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THE MINISTRY OF STEPHEN OF PERCHE  
DURING THE MINORITY OF  
WILLIAM II OF SICILY

*By* JOHN C. HILDT

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## PREFACE

Except to a few students of the Middle Ages the history of the Norman kingdom in southern Italy and Sicily has but little interest apart from its connection with the history of the empire, or of the papacy. This is probably because the Norman kingdom had so few points of contact with England, France and Germany, and also because it has ceased to exist, no national patriotism existed to act as an incentive for the exploitation of its history. Nevertheless the rise and development of this kingdom, called "the kingdom of Sicily, the duchy of Apulia and the principality of Capua," is one of the great phenomena of the Middle Ages. This power grew up through the conquests of the country by small bands of Normans who in the early years of the eleventh century wandered into southern Italy in search of plunder and adventure.

Despite the smallness of their numbers, these adventurers overthrew the Greek and Lombard rulers whom they found there, conquered Sicily from the Saracens, defied the claims and the armies of the German and the Greek emperors, carried war into the heart of the Byzantine empire, and made important conquests on the northern coast of Africa. They twice captured the pope and forced him, first, to legitimate their conquests, then to recognize their kingdom, and finally to grant ecclesiastical privileges greater than the medieval papacy ever conferred upon any other sovereigns or state. Under them Sicily embraced regions of the most widely contrasted geographical character, two antagonistic religions, the Christian and the Mohammedan, and hostile races, like the Greeks, Saracens, Lombards, Italians and Normans, who clung tenaciously to their native customs, laws, and languages. Still the kingdom was no ephemeral creation. Under various names and various ruling dynasties, it "obstinately maintained its unity with itself and its separateness from the rest of the peninsula" until 1860, when, as the kingdom of the Two Sicilies, it was incorporated into the present kingdom of Italy.

In the following study of the ministry of Stephen of Perche,

which is an episode in a larger discussion of the rise and development of the Norman kingdom of Sicily, I have attempted to give a picture of the life and procedure of the Norman court at Palermo and glimpses of the habits of the people of Sicily during the early years of the reign of William II, 1166-1189. At this time the Norman kingdom was thoroughly established and occupied an important place among the nations of Europe. Too often in the history of the Middle Ages one gets the impression that there was little but war and treaties and that the people then living were a curious, inhuman lot, very different in thought and deed from the people of today. I hope my study will show that this is not true. Besides intending to give a picture of the life of the times, it aims to show the shifting, unstable organization of the court under an absolute monarchy, its cosmopolitanism, the methods of its judicial procedure, and the necessity of force as a basis of successful government. Perhaps it will also throw light upon the significance and functions of the "familiar", a peculiar Sicilian institution.

In making this study I have drawn upon two of the most important sources of Norman-Sicilian history. One of them, the "History" of Hugh Falcandus, is considered one of the most remarkable histories, or chronicles, of the Middle Ages. Of the author we know almost nothing. Indeed, it is doubtful if Hugh Falcandus was his name. The book deals with the events of the Norman-Sicilian kingdom from 1154 to 1169, but the emphasis is laid upon the happenings at the court and in Palermo. The vividness, the vigor, the detail with which the author described men and events and the care with which he sought to explain the causes of events won for him from Gibbon and other historians the name of "the Tacitus of the Middle Ages." He was an eye-witness of most of the scenes he described. He had opportunities for knowing the inside history of the times in which he lived. But who he was, what was his position at court, or what was his nationality, we do not know. It is all a mystery yet unsolved.<sup>1</sup>

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<sup>1</sup> Chalandon, F., *Histoire de la Domination Normande en Italie et en Sicile*, I, lii-lxi.

Arguments can be produced to show that he was not a Sicilian, nor a Frenchman, nor an Apulian. Equally good arguments might be produced, I think, to prove that he was an Englishman. Certainly the Englishmen at the Sicilian court alone escaped his bitter censures. In the first part of his history, which deals with the reign of William I, Falcandus wrote as an active partisan of the feudal nobility. He was especially hostile, nay slanderous, in regard to William I's bourgeois prime minister, the emir Maio, of Bari.<sup>2</sup> But in the latter part of his work, upon which I have drawn so exhaustively, there was no such partisanship, although the author was kindly disposed to Stephen of Perche. Here he was more dispassionate and philosophical.

The other important source used in this study is the "Annales" of Romoald II, archbishop of Salerno. Archbishop Romoald belonged to the distinguished family of Guarna in Salerno. He was a physician, as well as a prelate and historian. Occupying the second most important see in the kingdom he played an influential part in the events of his day. He was one of the Sicilian representatives in the peace negotiations between Hadrian IV and William I at Benevento in 1156. He attended William I in his last illness and presided at the coronation of William II. But the event of his life in which he took the most satisfaction was his participation, as one of the two ambassadors of William II, in the negotiation of the treaty of Venice in 1177 between Frederick I and Alexander III and his allies, the king of Sicily and the Lombard League. Romoald is very circumspect in his narration of the events in which his share might be subject to criticism or blame. He is often silent, or too brief, in regard to many important matters where Falcandus, who was most probably less intimately concerned, gives us a wealth of detail. Romoald's book is a valuable supplement and check to the narrative of Falcandus.<sup>3</sup>

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<sup>2</sup> Siragusa, G. B., *Il Regno di Guglielmo I in Sicilia*, parte prima, 155-162.

<sup>3</sup> Chalandon, I, xlix-lii; Siragusa, parte prima, 9-10.





# The Ministry of Stephen of Perche During the Minority of William II of Sicily

## 1. *Intrigues Against Richard Palmer*

William II was not quite fourteen years old when his father, William I, died, 7 May, 1166,<sup>1</sup> and he succeeded to the throne of the kingdom of Sicily, the duchy of Apulia, and the principality of Capua. A few years earlier William I had experienced the deepest humiliation at the hands of his vassals. For the first time since Sicily had been conquered by the Normans the barons had revolted, seized the king in his palace at Palermo and prepared to depose him. In order that they might control the government they proposed to place his eldest son, the nine year old Roger, duke of Apulia, on the throne. Surprised at their own success the barons hesitated before putting their plan into effect. The bishops who were in Palermo foresaw the anarchy of baronial rule. Headed by Romoald, archbishop of Salerno, they led the populace of Palermo to the palace and rescued the king. During the confusion the young heir to the throne was mysteriously killed.<sup>2</sup> Grateful to the bishops for the restoration of his liberty and the re-establishment of his authority William I permitted them to exercise great influence in the government during the rest of his reign. On his death-bed William I designated his eldest surviving son, William, as the heir to the kingdom and, in accordance with the Norman custom of the realm, appointed his wife, Margaret, daughter of Garcia VI, king of Navarre, regent until the boy could assume the government. He also ordered that his wife should retain in office his intimate advisers and ministers, Richard Palmer, the

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<sup>1</sup> Romoaldi II Archiepiscopi Salernitani Annales, a. 893-1178, ed. W. Arndt, Monumenta Germaniae Historica, ed. G. H. Pertz, Scriptores, XIX, 435.

<sup>2</sup> Hugonis Falcandi Historia De Tyrannide Siculorum, ed. G. Del Re, Cronisti e Scrittori Sincroni della Dominazione Normanna nel Regno di Puglia e Sicilia, ed. G. Del Re, I, 315-326; Romoald Salern., 431-432.

bishop-elect of Syracuse, the gait, Peter, and Matthew of Aiello, the chief of the notaries.<sup>3</sup>

The dealings of the rebellious vassals with the heir apparent, Roger, in their efforts to depose the king had prevented William I from associating his eldest surviving son with him in the kingship during his life time. It had even prevented him from conferring upon him the duchy of Apulia with which it was becoming customary to designate the heir to the throne. It was this lack of formal recognition of William II as heir as well as the dread of revolt, that caused the queen and her counsellors to withhold the news of the death of William I until after the great barons had been summoned to court and had acknowledged William II as king.<sup>4</sup> After the funeral and the period of mourning for the late king were over, William II was escorted by the clergy and the barons to the cathedral of Palermo and there crowned by Romoald, the archbishop of Salerno. The good looks, youth, and innocence of the young king called forth a great outburst of loyalty and enthusiasm; for even the enemies of the late king recognized that William II was in no way responsible for his father's unpopular acts.<sup>5</sup>

The queen, in order that the new reign might be peaceful and popular, sought to conciliate the people and the barons. She not only carried out the provisions of her husband's will, but was lavish in the distribution of her favors. She released many prisoners, both in Sicily and on the mainland. She gave orders that the oppressive "redemption"<sup>6</sup> should no longer be collected. Many counts and barons were recalled from exile and their possessions restored to them, while lands were liberally distributed to the churches, counts, barons and knights.<sup>7</sup> Although

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<sup>3</sup> Falcand., 341. Gait was a title of military nobility among the Saracens and was borne by the eunuchs in the service of William I and William II. Amari, M., *Storia dei Musulmani in Sicilia*, III, 261-266.

<sup>4</sup> Falcand., 341.

<sup>5</sup> Falcand., 342; Romoald Salern., 435.

<sup>6</sup> "Redemption," a contribution levied by William I on the towns and castles of Apulia and Terra di Lavoro which had taken part in a revolt against him. Falcand., 335.

<sup>7</sup> Falcand., 342; Romoald Salern., 435.



the queen still kept her husband's advisers and ministers as his will directed, nevertheless she abandoned his policy of considering Robert of Syracuse, Matthew the notary, and the gait Peter as being equal in authority and power. The gait, Peter, a Saracen eunuch, was gentle, kindly and affable, while his extreme liberality to the soldiers obtained for him their favor and obedience. These qualities attracted the queen. Considering him the ablest minister, she placed him at the head of the administration and over the other two, who, however, continued to participate in the council meetings and to be called familiars.<sup>8</sup>

Now that the king was a minor, attacks were no longer made upon the sovereign, nor revolts against his authority; but the court was agitated by a series of intrigues to gain control of the administration. Most active in these intrigues were the bishops who did not reside in their bishoprics but flocked to the court. At this time there were in Palermo Romoald, archbishop of Salerno; Roger, archbishop of Reggio; Tustan, bishop of Mazara; and Gentile, bishop of Girgenti. Of these the most restless intriguer was the bishop of Girgenti. In former days he had been so afraid of William I that he sought to gain popular favor and the good will of the king by living an ascetic life.

Freed from this fear by the king's death, Gentile suddenly threw off his cloak of virtue and began to live a most dissolute life. He also sought to secure a following for himself. For this purpose he frequently gave splendid feasts to the soldiers. In his efforts to secure popular support he boasted of his family and his own achievements and lied so extravagantly that many people were surprised and amused that a bishop should act so. He declared that if he were a familiar of the court he would destroy all the evil customs and that under him the notaries and the door-keepers of the palace and other officials of the court should be made to stop their extortions and be restricted to a fixed scale of fees. He was especially hostile to Richard Palmer, the "elect" of Syracuse, and sought to stir up opposition to him and destroy his reputation with both the people and

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<sup>8</sup> Falcand., 342.

the barons. His enmity to Richard of Syracuse was due to the fact that both he and Richard were aspirants for the vacant archbishopric of Palermo, and that he thought that Richard, puffed up with pride at his position at court, had treated him with haughty insolence.

Bishop Gentile, accordingly, planned to drive the bishop-elect of Syracuse from court. As Richard was an Englishman, Gentile sought to get rid of him by stirring up a movement against foreigners in the service of the crown. "The foreigners," he said, "had acquired great power at court and, trusting in the friendship of the king had greatly oppressed the nation. They should be completely excluded from court and the bishop-elect the first of all. If he were driven away and not one of those people were permitted to remain at court the king, when he came of age, would have as his familiars and confer the dignities of the court upon those among whom he grew up and not upon wanderers and adventurers." For his scheme he secured the support of Romoald, archbishop of Salerno, and Roger, archbishop of Reggio. He gained over the archbishop of Reggio by entertaining him at splendid feasts, for archbishop Roger was a most miserly man who was ever ready to dine at the table of others in order to save his own resources. The notary, Matthew of Aiello, also joined in the conspiracy because of his jealousy of Richard. The two men had long been colleagues. As Matthew was uncertain about the success of the plot he prudently wished to keep secret his participation in it. The conspirators sought also to win over the gait, Peter. Every day they rode with him and paid him great court, "more than became their episcopal dignity." They warned him that the "elect" of Syracuse, jealous of his position at court, had conspired with some others to have him killed. The eunuch, believing every thing which was thus poured into his ear, at once informed his friends and by their advice he hired men to kill the bishop-elect as he entered the palace. In order that Richard might not be protected, Peter prohibited the king's soldiers and their constable

from riding with the "elect," or accompanying him when he came to court.<sup>9</sup>

Although Richard Palmer was informed of this plot against him, he took no precautions to defend himself, nor did he come to court each day less often than his custom. Seeing the bravery of the man the gait, Peter, was so impressed that, in spite of the urging of his ecclesiastical fellow-conspirators, he would not permit him to be assassinated. When the bishops and Matthew, the notary, saw that Peter refused to have the "elect" of Syracuse murdered, they persuaded him that he should at least have him removed from court, by sending him back to his bishopric, and have the archbishop of Salerno appointed to his place. Although the eunuch promised to do this, again he lacked the determination to carry it out. The conspirators were in despair and would have dropped their plot had it not been for the archbishop of Reggio.

Roger, archbishop of Reggio, "was now in extreme old age, tall, exceedingly thin, with a voice so feeble that it sounded like a hiss, his face and whole body were of such an ashy paleness that he seemed more like a corpse than a living person. He considered no labor too difficult if any money could be obtained from it, suffering beyond human practice thirst and hunger that he might save his own expense. He was never joyful at his own table and never a sad guest at that of another. Very often he would pass whole days fasting, expecting that some one would invite him to dine, which frequently the bishop of Girgenti was accustomed to do, as did others who knew this peculiarity of his." Because of his reputation for sanctity the archbishop succeeded in rallying the enemies of the "elect" to continue in their efforts to drive him from power. The conspirators now obtained new and more powerful allies. They secured the support of the queen who also disliked the bishop-elect. In her husband's life-time queen Margaret had on several occasions asked his aid and Richard, whose success had made him proud and overbearing, had refused her requests with insolent sar-

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<sup>9</sup> Falcand., 342-344.



casm. Now there was then at the court in Palermo cardinal John the Neapolitan. Seeing the two factions at the court, he attempted to fish in troubled waters and obtain from their rivalry some advantage for himself. So he readily consented to the request of the gait, Peter, to have the pope order the bishop-elect back to his diocese. The cardinal hoped, by doing this favor for the gait, that Peter would influence the queen to have him given the vacant archbishopric of Palermo.<sup>10</sup>

## 2. *Arrival of the Count of Gravina*

While the opposition to the bishop-elect of Syracuse was thus preparing to strike, news arrived in Palermo that the queen's cousin, Gilbert, count of Gravina, who had been loyal to William I during the revolt in Apulia, had, on hearing the news of the king's death, set out for Palermo and had crossed the Faro and would soon be at court. At once the enemies of Richard Palmer perceived that here was a new and much more dangerous rival. His rank, his loyalty, his relationship to the queen, all qualified him for a high position at court, and they foresaw that the count would be content with nothing less than the position of master catepan of the whole kingdom. If he obtained this position he would occupy the highest place after the queen in the administration of the realm. Richard of Syracuse seized his opportunity to acquire a powerful ally. He sent messengers to the count to inform him of the state of affairs at court and formed an alliance with him.

On his arrival at court the count of Gravina was disappointed at the position in which he found himself. He was accompanied by too small a band of soldiers to override the opposition he found arrayed against him. The queen had no intention of displacing the gait, Peter, for him. Her distrust of the count was aroused when she was secretly informed by Cardinal John and the friends of Peter that he was endeavoring to deprive her of the regency and all her authority in order to take it himself.

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<sup>10</sup> Falcand., 344-345.

Much irritated by his reception the count made himself the spokesman for the party of the aristocracy and of Richard Palmer. In the presence of the gait, Peter, he scolded the queen for having attempted to rule the kingdom through a eunuch instead of through the counts and barons as she ought. He furthermore upbraided her for permitting conspirators to attempt to drive away from the court the bishop-elect of Syracuse, a prudent man and necessary to the kingdom. The queen tried to conciliate him by offering him the position of familiar at the court with authority equal to that of the gait. Indignantly the count rejected the offer which he declared would make him the equal of a eunuch. He then departed, leaving the queen in tears.<sup>11</sup>

Peter, realizing the intensity of the opposition of the count of Gravina towards him, judged that he would have to protect himself with force. For this reason he sought to gain the good will of the soldiers with many kindnesses and large gifts. Then, as the barons, nobles and all who possessed lands and fiefs preferred that the count of Gravina should be in control at court and be made catepan, Peter undertook to deprive the count of this support. The master constable was Richard of Mandra. He had accepted the eunuch's money and was under many obligations to him. Therefore Peter believed he could easily control him and planned to have Richard supplant Count Gilbert as the leader of the aristocracy. In order that Richard might have the necessary rank and wealth he persuaded the queen to make him count of Molise to the great indignation of many courtiers. In accordance with custom the new count, preceded by trumpets, drums and cymbals, took possession of Boiano, Venafrò and all the other castles which belonged to the countship of Molise.<sup>12</sup> But Peter's courage was not equal to his political sagacity. He was seized with a growing fear that the count of Gravina was plotting against his life. He rode about accompanied by a large band of soldiers and archers, gave lib-

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<sup>11</sup> Falcand., 346-347.

<sup>12</sup> Falcand., 347.

erally to all who came to him and tried to bind to his party by oath as many persons as he could. At last, overcome by his terror, Peter determined to flee by night from the country. Secretly he had a swift ship prepared and putting on board his treasures and a few of the eunuchs with whom he was intimate, he escaped to Africa.<sup>13</sup>

The news of the flight of the master chamberlain of the palace created great excitement among the people. It was reported that not only had he carried off an immense amount of treasure, which was true, but that he had also taken the royal insignia. A council, consisting of the bishops, the counts and the familiars of the court, was summoned to the palace. At this meeting the queen denied that Peter had taken any of the royal treasure, while the count of Gravina blamed her for having given so great power to a Saracen slave who had betrayed the Sicilian fleet.<sup>14</sup> The newly created count of Molise took up the defense of the fugitive and declared that while Peter had once been a slave he had been freed by the will of the late king and his liberty confirmed by the queen and the new king, and that he had been driven into flight through fear for his life because he had been terrorized by the threats of the count of Gravina. The speaker further expressed his willingness to prove the loyalty of the fugitive by single combat. The dispute between the two counts then became so heated that the count of Molise called the count of Gravina a coward and unworthy to command the royal army, and had it not been for those present who put themselves between them the two men would have come to blows. It was only at the command of the queen and at the request of the great barons that they were prevailed upon to keep the peace.<sup>15</sup>

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<sup>13</sup> Falcand., 348; Romoald Salern., 436. Cf. Ibn Haldun, *Biblioteca Arabo-Sicula*, versione italiana, ed. M. Amari, II, 166, 238.

<sup>14</sup> Peter had been in command of a Sicilian fleet which had been defeated by the Saracens off the coast of Africa, 8 September, 1159, while attempting to relieve Mahediah. Ibn al Atir, *BAS.*, I, 489; Ibn Haldun, *ib.*, II, 233; At Tigani, *ib.*, II, 80; Falcand., 300; Romoald Salern., 429.

<sup>15</sup> Falcand., 348-349.



In the flight of the gait, Peter, Matthew the notary thought he had an opportunity to become the chief minister of the kingdom. He saw that the queen, the count of Molise and the party of Peter were anxious to have Count Gilbert removed from court. Accordingly Matthew planned to gain the favor of Gilbert's enemies and further his own interests by carrying through this audacious scheme. He spread the report that the German emperor was most certainly coming. He wrote false letters containing this report had them brought to the king as if from remote parts of the realm. These letters he himself in the presence of all the court opened and read; for this was a part of his official duty. The queen at once made use of the news to send for the count of Gravina and urge him to hasten immediately to Apulia, collect an army, fortify the castles and protect the country against the emperor. Although the count perceived that this was a trick to remove him from the court, yet knowing that he could accomplish nothing against the queen's will, he judged it best to retire with dignity rather than to be driven out with force. He therefore accepted the position of catepan of Apulia and Terra di Lavoro and with his son Bertrand, who had recently been made count of Andria, he returned to Apulia. Upon the departure of the count of Gravina the count of Molise became the great power at court. The queen made him a familiar and conferred on him greater power than that possessed by any other of the familiars. Because of his position at court, his courage and his command of the soldiers, for he still held the office of constable, he was greatly feared by all.<sup>16</sup>

When the count of Gravina had been driven from court the enemies of the bishop-elect of Syracuse, who had dropped their intrigues against him while a more dangerous rival was present, took up again their old animosity and resumed their attack against him. The bishops sought to rouse the queen to take active measures against him by telling her that it was Richard Palmer who had summoned the count of Gravina to court and had se-

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<sup>16</sup> Falcand., 349-350.

cretly directed his actions. They told her that it would be very easy to get rid of him if she would only consent; that by papal letters he could be summoned to Rome to receive his consecration and that, therefore, no blame could be laid upon her for his departure, nor would it even seem to be by her advice. They also said that when he had departed he could be deprived of his position at court and after his consecration he could be ordered to return to his bishopric. To this plan the queen willingly gave her consent. Cardinal John the Neapolitan, who represented the interests of the papacy at the Sicilian court, was also interested for personal reasons in procuring the removal of the bishop-elect of Syracuse from the court and therefore gave his assistance to the bishops. As he made frequent trips between Rome and Palermo he was able to procure from the Curia the necessary authorization for this purpose.

On a prearranged day the cardinal was summoned to court. After discussing some other affairs of the Roman church he at length produced papal letters ordering all the bishops-elect of Sicily, whose consecration belonged to the Roman pontiff, to go to Rome to be consecrated. After having read these letters in the presence of the king, the queen and the whole court, he added that the pope had commanded him to supplement whatever was lacking in these decrees and that therefore he fixed a date within which the bishops-elect should be consecrated. The "elect" of Syracuse, seeing that these orders were aimed at him, at once responded that he was ready to obey the papal commands as soon as he could, but that he would not accept the time limit fixed by the cardinal, nor anything which he might add to the contents of the papal decrees.<sup>17</sup> But when the cardinal insisted that Richard should obey the time limit which he had set, Richard feared that if he persisted in opposing the demands of the cardinal without the support of the queen he would incur the displeasure of the pope. With great shrewdness and adroitness, therefore, he gained by large gifts the support of the

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<sup>17</sup> Falcand., 350-351.

queen's new favorite and chief minister, the count of Molise, and the two men became allies. When again in the presence of the whole court the cardinal demanded that the bishop-elect of Syracuse obey the commands of the Roman Curia the count of Molise, to the surprise of all, declared that the bishop-elect was too indispensable a man to the kingdom to be permitted to leave the court, either to be consecrated, or for any other matter. Then the queen, who always followed the policy of her favorite minister, likewise, declared that she did not wish the "elect" to leave and that his consecration should be put off until a more opportune time. Thus the intrigues of his enemies came to nothing and Richard Palmer retained his position at court.<sup>18</sup>

While the affairs of the kingdom were thus neglected for private intrigues, the public treasure squandered and other things done detrimental to the dignity of the court and the privileges of the realm, many people began to regret the death of William I who had formerly considered him a cruel tyrant.<sup>19</sup> The queen, however, by her lavish gifts was able to maintain peace in the kingdom. She freed a great number of prisoners, gave slaves their liberty, granted immunities to cities, abolished customs which seemed oppressive and gave estates and castles to many nobles. But she was especially anxious to conciliate the nobility and during the first months of her rule she created nine new counts. Among these new counts were, however, three of her own relatives. They were Bertrand, the son of Gilbert, Count of Gravina, whom she made count of Andria, Hugh of Rupe Forte (Rochefort), a cousin "lately come from France," and her half-brother Roderick, or Henry.<sup>20</sup> This half-brother of the queen, a bastard son of the king of Navarre, had come into Sicily from Spain with a large following of Spanish soldiers to seek his fortune as soon as he heard of the death of William I. As the Sicilians made fun of his name, Roderick, the

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<sup>18</sup> Falcand., 351-352.

<sup>19</sup> Falcand., 351.

<sup>20</sup> Falcand., 354.



queen had him change it to Henry. The queen married him to one of the illegitimate daughters of King Roger II and conferred upon him the countship of Montescaglioso. This Henry was an ugly, dark, little man who knew nothing but gambling with dice and checkers and who cared for nothing except to have money to squander on these games and on persons with whom he played them. As he thus threw away the large sums given him by the queen, she soon became exasperated and ordered him to depart to his estates in Apulia.<sup>21</sup> In addition to these favors granted to the nobility the queen recalled from exile and restored to their estates Roger, count of Acerra, and Roger, count of Avellino. These and other concessions secured the submission of the nobility and the peace of the kingdom.<sup>22</sup>

With the departure of the count of Gravina and the failure to remove the bishop-elect of Syracuse from his position at court the open rivalries there subsided. Richard, count of Molise, was the most powerful of all the ministers and the queen refused him no request. Richard of Syracuse and Matthew the notary managed the office of chancellor, while the gait, Richard, now master chamberlain of the palace, and the gait, Martin, who was in charge of the collection of the revenue, although they were not familiars, assisted in the management of the affairs of the kingdom. Richard of Syracuse and Matthew the Notary were busy in pursuing their own personal ambitions. Richard was anxious to obtain the archbishopric of Palermo, while Matthew aspired to become chancellor. But the Queen Margaret, realizing the weakness of her position and perceiving that she had been used as a tool by the contending factions, determined that neither of them should have the offices for which they were striving. Distrustful of the nobility and the official class alike, seeing nothing but treachery and dishonesty in them, she longed for a strong, loyal, and capable supporter. It was out of this desire that she obtained the services of Stephen of

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<sup>21</sup> Falcand., 353, 354; Romoald Salern., 436.

<sup>22</sup> Falcand., 354.

Perche, destined to play a large part in the history of the time in Sicily.

### 3. *Stephen of Perche Becomes Chancellor*

It had been the custom of the Norman rulers in Sicily to employ whatever able foreigner they could attract into their service. Margaret had therefore written to her uncle, Rotrou, archbishop of Rouen, to send to her assistance one of her relatives, either Robert of Neubourg, or Stephen, son of the count of Perche. In the summer of 1166 it became known at Palermo that Stephen of Perche was on his way to Sicily, having stopped to visit his nephew, the count of Gravina, in Apulia. Count Gilbert informed him of the condition of affairs at the court, and then, as summer was approaching, sent him to Sicily, which was more healthy in that season than Apulia. When Stephen arrived at Palermo the familiars of the court, the bishops, the soldiers with their constable at their head, went forth to meet him at the queen's orders and escorted him to the royal palace. Here he was received with great honor and kindness by the queen, who in the presence of all declared that his father, the count of Perche, had helped her father to acquire his kingdom from the Saracens and therefore, although Stephen was only her cousin, she would consider and treat him as if he were her brother.<sup>23</sup>

Although Stephen had come in response to the queen's request to the archbishop of Rouen, yet what he had heard from his nephew of the state of affairs at the Sicilian court had decided him not to remain long in Sicily. When the queen found out that such was his intention, she endeavored in every way, by promises, hopes of reward and even by pleading, to change his resolution. Finally she succeeded. Thereupon all the bishops and barons were summoned to court and in their presence she appointed Stephen chancellor and ordered that all the chief business of the court should be directly referred to him. Shortly afterwards, as Stephen was a clerk, the archbishop of Salerno,

<sup>23</sup> Falcand., 354-355; Romoald Salern., 436.

Romoald, ordained him subdeacon. Then the canons of the cathedral of Palermo were informed that the king and queen had, in response to the request which they had often made to them, granted them permission to elect an archbishop and that they, coming to the palace, in accordance with custom, should nominate at court him whom they judged suitable for the office. The canons then, "no controversy having arisen among them about this (which rarely happened), unanimously elected the chancellor" archbishop. This election received the approval of Cardinal William of Pavia, who arrived in Palermo on his way to France, and it was afterwards accepted by the pope.<sup>24</sup>

In obtaining the greatest political and ecclesiastical offices of the kingdom, Stephen thus became the most important person of the court after the queen. Sudden success always arouses animosity and jealousy. The opposition which Stephen had to face was all the greater because he was a young man, a newcomer at court and a foreigner, who had deprived two old and capable ministers and politicians of the cherished objects of their ambitions. He was thoroughly conscious of his isolation and of the danger he would have to face. He made master of his household, Odo Quarrel, canon of Chartres, who had advised him to remain in Sicily and had promised to remain with him two years until he had acquired loyal friends in Sicily, or until some of his relatives and friends in whom he could trust had come from France.

Knowing that he would have to contend with the open and secret opposition of the prelates and the official class and that the support of the nobility was uncertain, Stephen with great wisdom endeavored to obtain popular support by inaugurating a policy of reform in both the court and in the local administration of the kingdom. Nevertheless he sought, if possible, to conciliate his disappointed rivals and his leading opponents. He saw that the bishop-elect of Syracuse was the ablest of the official class at court and the one whom his elevation had disappointed and hurt most. Not only had he lost the archbishopric

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<sup>24</sup> Falcand., 355-356, 358; Romoald Salern., 436.



of Palermo, but by Stephen's appointment to the chancellorship his income was diminished, for the king had long permitted him to hold during the vacancy in the chancellorship many lands and revenues belonging to that office. In compensation for these profits which he was now forced to surrender, Stephen had him given two fine manors, which the Sicilians called *casalia*, one to be held as long as he remained in the service of the court, and the other to be possessed in perpetuity by the bishops of Syracuse. But the bishop-elect soon showed how little he could forget his disappointed ambitions and how little he could forgive a successful rival.<sup>25</sup>

When Gentile, bishop of Girgenti, was making a bid for popularity he had declared that among the abuses he wished to reform was that of the extortionate fees demanded by the notaries, who should be restricted to a fixed scale of fees.<sup>26</sup> These notaries belonged to the office of the chancellor. They were laymen and formed an influential class at court.<sup>27</sup> They drew up not only the royal documents, but also private papers for individuals. For such services they were paid by the persons for whose benefit the documents were drawn up. They had come to charge such exorbitant fees for these services that it had become one of the notorious abuses of the day.

Shortly after Stephen had been made chancellor some men came to the court from a remote part of Apulia seeking to have certain of their affairs settled. When this had been accomplished they offered to Peter the notary, a relative of Matthew of Aiello, who had drawn up the documents recording the decision of the case, such fees as they considered just. He refused this and demanded a much larger sum. Thereupon the Apulians brought the matter to the attention of the chancellor. Stephen, who was determined to carry through a scheme of reform, commanded one of the notaries who was present to draw up the

<sup>25</sup> Falcand., 356.

<sup>26</sup> Falcand., 343.

<sup>27</sup> Kehr, K. A., Die Urkunden der Normannisch-sicilischen Könige, 99-113.

necessary documents for the men who were able to depart that very day. When Peter the notary perceived that the men who were accustomed to importune him did not return and learned that they had procured their documents through another notary, he with some of his companions fell upon the Apulians as they were traveling homeward, beat them and, taking away from them the royal documents, broke the seals and tore them up. When the chancellor heard of this action he summoned the Apulians and Peter to court. As Peter could not deny the act the chancellor had him put in prison.

The bishop-elect of Syracuse seized the opportunity to come forward as the champion of the official class and of the family of Matthew the notary. He asserted that this sentence was against justice and reason; that perhaps it was the custom in France to render such arbitrary sentences, but it was not the custom in Sicily, where the notaries were a very important class and were not so easily condemned. The chancellor was indignant that he to whom three days before had been given without compulsion two fine estates should show himself so ungrateful, should attack him so savagely, and question his judgment in the presence of the whole court; but he concealed his chagrin and made no reply. Stephen, however, had the notary released until he could be tried in a more regular manner on the charge of not only violating the peace of the realm, but of injury to the king's majesty. After a few days at the request of the familiars the chancellor decided not to push these charges, but deprived Peter of his office of notary.<sup>28</sup> Thus in his efforts at reform Stephen of Perche incurred the hostility of Matthew the notary, and of the notaries as a class, as well as the enmity of Richard of Syracuse.

A result of this affair was that the chancellor sought to reduce the extortion of the notaries by establishing a scale of fees in accordance with which they were to be paid for the various services they were called upon to render. Then he further attempted to protect the lower classes from the persecutions of the

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<sup>28</sup> Falcand., 356-357.

stratigoti and those in command of the provinces and the individual towns. In order to have justice enforced more certainly he did not permit his friends, the great officials of the court, or other powerful persons to oppress their vassals with impunity, nor did he with hyprocrisy tolerate any injury to the poor. By such efforts Stephen became so popular that, as we are told, all declared him an angel sent from heaven who, having reformed the court, had brought back the golden age. As a result there flocked to the court from all parts of the realm such a crowd of men and women with complaints that there were scarcely judges enough to examine the cases and notaries enough, although their number had recently been increased, to make the necessary records.<sup>29</sup>

When the people of Palermo saw how incorruptible the chancellor was, how in the administration of justice he was not swayed by influence, rewards or the favor of any one, they brought before him accusations against many apostates, Saracen converts who had abandoned Christianity and had long been protected and concealed by the eunuchs of the palace. Not one of these who was proved to be guilty did the chancellor let go unpunished. Incited by these convictions the people of Palermo dared to bring accusation against Robert of Calatabiano, the cruel governor of Castellamare.<sup>30</sup> In a great crowd they went to the chancellor and demanded that Robert be given his due punishment. Some complained that their houses, others that their vineyards, had been unjustly and forcibly taken from them. Many charged that their brothers, or other relatives, had died in prison from his continued cruel torments, while there were those who declared that at his own expense Robert had restored a mosque in Castellamare. Furthermore, he was accused of having rented at a very high price to the wine-sellers a house in

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<sup>29</sup> Falcand., 357.

<sup>30</sup> In the reign of William I, Robert had been in league with the palace eunuchs and had made use of his position as governor of the strong fortress that commanded the harbor of Palermo to oppress and despoil those persons who had incurred the enmity, or incited the avarice, of the eunuchs, or of himself. Falcand., 340.



which, under his protection, they conducted a resort for Saracen debauchery and crime and in the profits of which he had a share.

At first Robert paid little attention to these accusations, believing that he would not be brought to trial. But when he saw that the money was refused which he offered to have the case dismissed and that the charges were being pressed against him in the courts, he sought the protection of the eunuchs. The eunuchs threw themselves at the feet of the king and queen and with tears begged them not to permit a man who was so useful to the kingdom and had always served most faithfully the court to be condemned. They asserted that it was not at all surprising that this tumult should be raised against him since it was certain that no one would please the populace who obeyed faithfully the orders of the court. Influenced by the eunuchs the queen first requested the chancellor, and when he refused, then commanded him not to admit the accusations against Robert, saying that the robberies and murders which he had committed had been done at the command of the gait, Peter, when he had been in favor at court, whose orders Robert did not dare disobey.

The chancellor was now placed in a great dilemma. He must either refuse to obey the queen, or be guilty of a grave act of injustice and lose his popularity with the people. He tried to chose a middle road and not displease the queen or disappoint the people. He promised the queen that he would pass over the accusations which pertained to the court and which would entail capital punishment, but would try Robert on the accusations which pertained to ecclesiastical law. If then he were found guilty he would punish him with all the severity of ecclesiastical censure. Then having assembled the familiars of the court, the bishops and other clergy, Stephen, not as chancellor, but as archbishop of Palermo, tried Robert in the presence of a large assembly of the populace, not on the charges of robbery, oppression and murder, but of rape, perjury, incest and adultery. He was found guilty and sentenced to be whipped publicly, imprisoned and have his goods forfeited to the state. But since it

was not possible to lead him around the city, preceded by the public crier, because the people crowded the narrow streets in order to hurl stones at him, it was decided that the people's expectation should be disappointed by having him led around the church instead. Although Robert was surrounded on all sides by soldiers with drawn swords, yet even then it was hardly possible to protect him from the fury of the mob. Then after a few days, as he was unwilling, or as some said, unable to pay the money which he had promised to the court he was taken to Castellamare and there placed in the very prisons in which he had formerly tortured so many unfortunates and there he miserably died.<sup>31</sup>

By the punishment of Robert of Calatabiano the popularity of the chancellor was increased still further among the people of Sicily and especially among the Lombards settled there, who had suffered greatly at the hands of Robert. But at the same time he also aggravated the enmity of the great officials of the court and other important persons who found their power limited and their resources diverted to the chancellor and his friends. In the hope of revenge they began to slander the chancellor, declaring that it was not right that they who had faithfully served the court and grown old in its service should be set aside for a strange boy, who had got into his hands all the great offices of the court, who set himself above every one else and wished to rule so great a kingdom by himself. They further accused the queen, who was a Spaniard, of calling this Frenchman a cousin, so that under the name of relationship she might conceal her illicit love for him. But especially did the chancellor incur the deadly hatred of the gait, Richard, and the eunuchs of the palace, whose tool Robert of Calatabiano had been, and they sought to stir up the hatred of the Saracens against him.<sup>32</sup> Stephen, well aware of this hostility and enmity, pretended not to notice it and attempted to allay it by greater familiarity and friendliness towards his enemies and by trying

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<sup>31</sup> Falcand., 359-360.

<sup>32</sup> Falcand., 360.

to gain their good will by many kindly acts, nevertheless he took every possible measure to protect himself. He appointed as master constable a loyal and devoted follower of the king, Roger of Tiro, in whom he had great confidence, in order that he might secure the support of the soldiers. Through Roger and Robert of San Giovanni, both of whom had extensive acquaintances, he was able to find out everything which was plotted against him in Palermo and to take measures for his protection.<sup>33</sup>

Learning that Matthew the notary was sending letters by courier to his brother, the bishop of Catania, more frequently than he was accustomed, the chancellor believed that these communications had something to do with a plot against himself and contained directions to the bishop for spreading it in the region of Catania. In order that he might confirm his suspicions as to what was in the letters, Stephen sent a body of men under the command of Robert of Bellême to intercept Matthew's messengers on their return from Catania and to deprive them of their papers. Robert of Bellême bungled his task. The courier who carried the letters made his escape, while his companion was wounded in attempting to defend himself and taken prisoner. This attack on his couriers greatly increased the antagonism of Matthew the Notary against the chancellor as it proved to him that he lay under the chancellor's suspicion.<sup>34</sup>

Soon afterwards Robert of Bellême sickened and died. As his hair fell out and his skin peeled off it was suspected that his death was not due to natural causes, but to poison. The suspicion was confirmed by the archbishop of Salerno, who was very learned in medicine, and by the bishop of Malta and others whom the chancellor summoned to view the remains. Then a Salernian physician, a great friend of Matthew the notary, and one who by his influence had been appointed a judge in Salerno, was suspected of the crime. This physician had requested permission of the chancellor to attend Robert of Bellême and when

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<sup>33</sup> Falcand., 361.

<sup>34</sup> Falcand., 361.



his request had been refused he had secretly visited the sick man and given him a syrup.

When these things became known the chancellor summoned the bishop-elect of Syracuse, with Matthew, Richard, the count of Molise, the archbishop of Salerno, the other bishops and many barons, and after explaining the matter, had the suspected man brought before them. Upon being questioned the physician denied the accusation, yet from the evidence of the witnesses brought against him his testimony was proved to be untrustworthy, so that in the eyes of the council the suspicion of his guilt was greatly increased and it was determined to bring him to trial. Thereupon on the following day the council was assembled and the master justiciars summoned. Then the physician was formally accused of having murdered Robert of Bel-lême. He answered so badly the charges brought against him that the judges were convinced of his guilt and sentenced him to forfeiture of goods and to capital punishment, but also recommended him to the mercy of the court. The physician was cast into prison, but he could not be persuaded by threats or promises to reveal the person who had instigated him to his crime.<sup>35</sup>

Now while Stephen of Perche had obtained the position of chancellor and archbishop of Palermo and had acquired the most important place in the Sicilian court and had to face the enmity and jealousy of the other great personages of the court, a new intrigue was brewing in Apulia. The barons of that duchy speedily saw the weakness of character of Henry, count of Montescaglioso, the queen's half-brother, who had recently arrived in their midst. Many of them considered that here was an opportunity to overthrow the count of Molise through the instrumentality of the queen's feeble brother and thus through him greatly to increase their own fortunes and power. They easily persuaded Henry that he should drive away Richard of Mandra from court and by virtue of his relationship to the king and queen acquire the control of the government of the kingdom

<sup>35</sup> Falcand., 362-363.

himself. Thereupon equipping his Spanish followers, a part of whom had followed him to Apulia and a part had fled to him there, Henry quickly started back to Sicily, followed by many of the Apulian barons, who had instigated him to this undertaking, among whom the most important was Bohemond, count of Monopoli. While on their way they learned the startling news that Stephen of Perche had become chancellor and had supplanted the count of Molise as the most powerful minister at the court. At first they wavered in their undertaking, but then adhering to their first determination they finally arrived in Sicily.<sup>36</sup>

The chancellor thus saw his power threatened in another direction. Informed doubtlessly by the count of Molise, with whom he had now an understanding, of the character of Henry, he sought not only to suppress the threatened attack of the Apulians by separating the count of Montescaglioso from them, but also to strengthen his own party by gaining Henry's support. Stephen, therefore, in the king's name ordered Count Henry, who had arrived with his followers at Termini, to come in person to Palermo, while Count Bohemond and his followers were to await at Termini further royal orders. When the count arrived at court it was easy for the chancellor by flattery and persuasion to influence him to abandon his Apulian followers and also to obtain his promise to be governed by the chancellor's advice in all matters. When the count of Montescaglioso had thus been made sure of, Count Bohemond and the other Apulian barons were permitted to come to Palermo, where they were kindly received by the chancellor. But being shown the futility of their undertaking, they returned to Apulia after a few days sojourn in Palermo. The chancellor, however, made use of this occasion to gain the faithful friendship of Count Bohemond.<sup>37</sup>

Count Henry was now completely under the influence of the chancellor. So great was their intimacy that he often went to

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<sup>36</sup> Falcand., 363-364.

<sup>37</sup> Falcand., 364-365.

the bath with Stephen, accompanied him each day to court and on his return spent the greater part of the day in private conversation with him. The chancellor's enemies, fearing lest by this intimacy his grip upon the government of the kingdom would become still stronger, sought to break up this friendship, and to secure the support of the count for themselves, and so use him to overthrow the chancellor. At first, however, they were unable to influence Henry directly or to stir up his jealousy against the chancellor. When they told him that he ought to have the government of the realm, he responded that he was ignorant of French, which was necessary at court, and that he did not wish to have the responsibility of such a position. Then they began to work through Henry's Spanish soldiers with whom he was very intimate and who had great influence over him. Through these measures Henry was brought to desert the chancellor and to join his enemies by whose counsels he promised to be guided.

These machinations greatly terrorized the chancellor's friends. They began to fear for their lives; for the gait, Richard, master chamberlain of the palace, had by his bribes secured the support and obedience of the greater part of the soldiers of the king and all the archers of the court. Stephen prepared for his own defense. He gave up his custom of receiving any one at any time, and established audiences at certain hours when he had all his soldiers in armor on guard. Fifty armed men were always on watch within the entrance of his house, and he sought to increase the numbers of his guard. He enlisted in his service very many foreigners who had recently come from France on their way to the Holy Land, among whom was John of Lavaradin.<sup>38</sup>

#### 4. *Stephen Deals With His Enemies*

At length the chancellor came to realize that if he wished to maintain his power he must crush his enemies. He did not dare bring the leaders to trial in Palermo on the charge of conspiracy lest by their intrigues open revolt should break out, and he did

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<sup>38</sup> Falcand., 366-367.



not consider that he had sufficient force to cope with such an outbreak. He therefore persuaded the king and the queen to go to Messina to spend the winter so that, in the early spring, if it were desirable, they might cross over into Apulia. He then wrote to the count of Gravina, asking his support and urged him to come to Messina as soon as possible and with an armed force, yet not one so large as to give the impression that he had an army with him. When the court had been removed to Messina, the chancellor hoped that he would be able to rid himself of his enemies.

Before the royal party could set out for Messina a period of rainy weather set in, such as had not been seen in Sicily for a long time. The familiars of the court, who did not wish to be separated from their supporters, tried to use this as an excuse to prevent their departure. But the chancellor could not be moved. Exercising the right of royal purveyance he made preparations for the journey. He sent letters to all the towns and castles on the way, commanding that the roads be widened, the steep places leveled and that all things necessary for the royal progress be prepared according to custom. When all was ready, suddenly the rain ceased, the weather became beautiful once more, and on November 15th, 1167, the king set out with the court for Messina.<sup>39</sup>

As the chancellor had removed the court from Palermo because he was afraid of the populace he sought to gain the favor of the people of Messina. A few days after the arrival of the king, representative citizens came to the chancellor with great gifts and urgently requested that there be restored to them a certain grant of immunity for their city which King Roger had formerly conferred on them and then, regretting his act, had taken away again. In order to secure their good-will the chancellor refused their gifts and without reward granted their demand. Then the people of Messina brought all sorts of accusations of misgovernment and oppression against Richard, the the stratigotus of Messina, and demanded that he be brought

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<sup>39</sup> Falcand., 367.

to trial. But the chancellor considered that the stratigotus would be a valuable acquisition to his party if he could gain him to his side. He therefore tried to check the wrath of the people by deferring the matter. But the people of Messina would not be put off. Suspending their accusations against the stratigotus from the tops of poles they held them up before the palace with loud cries for justice. The queen, irritated at this noise, directed the chancellor to act upon their demands without delay. There was nothing left for Stephen to do but order the master justiciars to proceed with the trial of the stratigotus, whom they condemned and sentenced to imprisonment and the forfeiture of goods. Thus by the punishment of the stratigotus and the restoration of their privileges the chancellor became very popular with the people of Messina.<sup>40</sup>

In the meanwhile the enemies of the chancellor had not been idle. Count Henry was made the nominal head of their party. The populace is proverbially fickle and before long many of the people of Messina were won over by Stephen's enemies. So also were many Calabrians who on the arrival of the king had flocked to Messina. Gentile, bishop of Girgenti, again became active in this conspiracy, although he had sworn to support the chancellor. The unexpected arrival of the count of Gravina, however, temporarily checked the conspirators' activities, for the count brought with him from Apulia and Terra di Lavoro a hundred picked knights of tried valor and skill in arms. But the difficulties of the chancellor's position increased. In addition to the intrigues of the members of the court a new and more powerful cause stirred up the resentment of the populace and soldiers against the chancellor. Many of his followers had lately come from France and Normandy and had nothing but contempt for the native population of the Sicilian kingdom. They gratuitously angered the Greeks and Lombards by calling them all sorts of insulting names. The conspirators attempted to make use of the irritated state of mind of the populace and had Count Henry fix a date for the murder of the chancellor

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<sup>40</sup> Falcand., 368-369.

as he returned from court. The count, in order to secure the support of one of the judges of Messina, Roger, by name, revealed to him all the details of the plot, who at once reported it to the chancellor.<sup>41</sup>

As the time fixed for the assassination was the very next day it was necessary for the chancellor to take immediate action. After having consulted with his most intimate advisers, Gilbert, count of Gravina, Bohemond, count of Monopoli, and Roger, count of Avellino, Stephen placed all the facts before the queen and the king. The queen after some hesitation determined that the court should be summoned and her brother brought to trial. Therefore by the doorkeepers (*hostiarii*) of the court the familiars, the bishops, the counts and the other leading barons, together with the master justiciars, were assembled. All others were prohibited entrance to the palace, except a few of his own soldiers whom the chancellor brought in, for he feared lest some of the leading barons whom he knew were in the conspiracy might attempt to begin the revolt in the midst of the court. The chancellor himself wore a coat of mail under his cloak and his clerks secretly brought in swords.

When the council was seated Count Henry, as he had been instructed by the conspirators, arose and began to set forth his poverty; how he was in great straits because of his debts and how the county of Montescaglioso was not sufficient for his needs and expenses. Then he demanded that the principality of Taranto be given him, or the county in Sicily which his predecessor had formerly held. This was done with the intention that if the chancellor objected it would give him an excuse for opposing him. But instead of the chancellor the count of Gravina took up the role of accuser and charged Henry with seeking to sow discord between the king and queen and plotting the death of the chancellor. The count of Montescaglioso was not prepared to hear from the count of Gravina all his machinations exposed to the light. Falteringly he denied that he had ever conspired against the chancellor. But when Roger, the judge who

<sup>41</sup> Falcand., 369-370.



had revealed the plot, was brought in and had given his testimony, Henry completely lost his presence of mind and called Roger a traitor and perjurer for having betrayed the secret entrusted to him. Thus he was condemned by his own words and the order was given that he should be confined to the palace.

While this meeting was being held at the palace, rioting broke out in the city. Many of the people rushed to arms while the Spanish soldiers of Count Henry barricaded themselves in his house. When this turn of events was reported at the court the chancellor showed great energy in meeting the situation. He ordered his soldiers and those of the count of Gravina to arm themselves and assemble before the palace to protect the court. Then he sent the doorkeepers of the palace throughout the city to order the citizens to lay down their arms and to cease disturbing the peace. Then by the public crier the Spaniards were ordered to cross the Faro that very day and if any were found on the morrow who had not done so they would be cast into prison. Deprived of their leader the Spaniards did not dare to disobey. When they had laid down their arms and were hurriedly crossing into Calabria the Greeks, hearing what had been done in Messina, fell upon the luckless fugitives and robbed them of all their possessions, even down to their clothes. A great part of the ejected people perished from the cold.<sup>42</sup>

The arrest of the count of Montescaglioso at once broke up the conspiracy against the chancellor. Some came forward to acknowledge their guilt in order to save their lands, or to lessen their punishments. The mean-spirited Henry confessed who had been its authors. Although the chancellor now knew who were his enemies, yet he did not possess sufficient determination to follow a vigorous or decided course against them. Some of his friends advised him to adopt a policy of clemency as the only way to secure peace in the future. Others, among whom was the count of Gravina, who wanted to take vengeance on Richard of Molise for having driven him from court, said that either the chancellor should follow out the example of Roger II

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<sup>42</sup> Falcand., 370-373; Romoald Salern., 436-437.

in drowning, killing secretly or mutilating his enemies, or he should take no further measures against them at all. But neither of these policies commended themselves to the chancellor. He had not the foresight to see the effect of his irresolution in attacking only the most obvious of his enemies.<sup>43</sup>

A few days after the arrest of Count Henry, when the counts and leading barons were assembled at court in council, young Bohemond of Tarsia arose and accused Richard, count of Molise, of participation in the conspiracy against the life of the chancellor and offered to prove his accusation by combat. Count Richard denied the charge and accepted the challenge. Then Robert, count of Caserta, accused Richard of having long usurped Mandra in Apulia and certain towns in the territory of Troia and of having held them without the knowledge of the court. To this new accusation Richard replied that the gait, Peter, when he was in power, had legally given him Mandra for a time upon condition that he pay a certain sum of money yearly to the court, while as for the places in the territory of Troia they had likewise been given him by Turgis, the chamberlain of that land. Turgis, who then happened to be present, was questioned and denied that Richard held those towns with his permission.

Then all the barons, except the familiars of the court, were ordered to sit apart in order to give judicial sentence on the charges brought against the count of Molise. Those who thus passed judgment on the count were Bohemond, count of Monopoli; Robert, count of Caserta; his son, Roger, count of Tricarico; Roger, count of Avellino, Simon, count of Sangro; Roger, count of Geraci; Roger of Tiro, the master constable; Florio of Camerota, a judge of Taranto, and Abdenago, son of Hannibal, the last two being master justiciars. The sentence of these barons was delivered by Count Bohemond. It was that Richard, count of Molise, had held Mandra with the permission of the court, having received it from the gait, Peter, before his flight. But after Peter's flight he held it secretly, not having brought it to the attention of the king as he should. Therefore

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<sup>43</sup> Falcand., 373-374.

he ought not to be considered as a tenant, but as a usurper, who held it by his own authority against the consent and knowledge of the court. Likewise it was agreed that he held the other towns by his own authority and against the fidelity due the king. Therefore the barons decreed that the lands of the count of Molise should be at the mercy of the king.<sup>44</sup> Against this decision the count protested and declared that the sentence was false and unjust. Count Bohemond at once cut short his tirade by prohibiting him from answering in court, saying that such insults did not fall on those who judged the case, but upon the king. As the count of Molise had thereby made himself guilty of sacrilege, the archbishops and bishops who were present were ordered to give sentence according to the full severity of the law. They therefore decided that according to the statutes of the kings of Sicily Richard was not only at the mercy of the king for his lands but also for his life, having dared to call false a judgment of the court.<sup>45</sup> Then the count was taken in custody and imprisoned in the lofty fortress at Taormina. The chancellor now considered that sufficient punishments and examples had been made. He contemptuously ignored the bishop of Girgenti who, while these things were taking place, pretended to be kept at home by a serious illness and did not dare show his face at court.<sup>46</sup>

Having thus humbled his enemies the chancellor was willing to allow the court to return to Palermo. Before this was done, however, Gilbert, count of Gravina, was given the county of Loritello. He demanded this as his reward for the help he had given the chancellor in maintaining supremacy. It was an unfortunate bestowal, for in Apulia were many barons and townspeople who hoped that Count Robert, the former count,<sup>17</sup>

<sup>44</sup> For the law, Vatican Assizes, IV, XXVI, 1, in La Lumia, I, *Storia della Sicilia sotto Guglielmo il buono*, 372, 382. Cf. Niese, H., *Die Gesetzgebung der normannischen Dynastie in Regnum Siciliae*, 72.

<sup>45</sup> For the law, Vatican Assizes, XVII, La Lumia, 378. Cf. Niese, 58, 66.

<sup>46</sup> Falcand., 374-376; Romoald Salern., 437.

<sup>47</sup> Count Robert of Loritello had fled from the kingdom because of his rebellion in 1162 against William I and his estates had been confiscated. Siragusa, G. B., *Il Regno di Guglielmo I in Sicilia, parte seconda*, 45-47.



would be permitted to return and receive his estates. As the gift to Count Gilbert seemed to destroy the prospect of Count Robert's return, they consequently became the implacable enemies of the new count of Loritello. The queen decided that her brother, the count of Montescaglioso, should be given eight thousand ounces of gold and sent back to her brother in Spain. She therefore ordered that seven galleys be equipped which should convey Odo Quarrel, who was returning to France, and directed Odo to take the count under his charge. In the meanwhile Henry was imprisoned in a castle in Reggio so that the galleys might the more easily and promptly take him on board as soon as the king had set out from Messina for Palermo.<sup>48</sup>

On 12 March, 1168, the king and the court left Messina and on the twentieth arrived in Palermo. The newly made count of Loritello returned with his soldiers to Apulia. The departure of Count Gilbert was the signal for the renewal at court of the plot against the life of the chancellor. The gait, Richard, the master chamberlain of the palace, Matthew the notary and Gentile of Girgenti with others whom the chancellor had pardoned again made plans for his assassination. Palm Sunday was the date arranged and soldiers were selected who, mingling with the crowd, should fall upon the chancellor with their swords, when the king, as was his custom, left the palace.

The conspirators likewise stirred up popular opposition against the chancellor in Palermo and in other towns. They easily persuaded the people that if Stephen of Perche remained longer in power they would be completely deprived of all their liberties. The action of John of Lavardin seemed to support them strongly in this argument. John of Lavardin, who had taken service with the chancellor, had been recently rewarded by him with the land of Matthew Bonell. Desirous of enriching himself as quickly as possible he demanded of the inhabitants of the town on his lands a relief of half of their moveable goods, claiming that this was the custom of his land. But the people, asserting the liberty of the inhabitants of the cities and towns of

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<sup>48</sup> Falcand., 376-377; Romoald Salern., 437.

Sicily, said they were not obliged to pay any tax or tribute, but sometimes, in case of urgent necessity, to give to their lords of their own accord and free will as much as they wished; that only the Greeks and Mohammedans, who were called villains, were liable to annual dues and taxes. As John of Lavardin refused to recognize their claim the people of his towns took their case to the chancellor, who, in spite of the advice of his native-born friends, Robert of San Giovanni, and Roger of Tiro, the master constable, rejected their claim. He was influenced to do this by his French followers, who declared that, if these men obtained what they demanded, a dangerous precedent would be established which would incite many others to rebel against their lords. This affair gave the enemies of the chancellor a splendid opportunity for rousing up great hostility to him among many of the citizens and townsmen, for they spread the report that Stephen intended to make every one in Sicily pay annual taxes and dues, after the custom of France, where there were no free citizens.<sup>49</sup>

This new plot was also disclosed to the chancellor who determined to punish now those whom he had spared before. The court was summoned and the chancellor accused the leaders of plotting again against his life. Matthew, the master notary, could make no defense and so he with many soldiers was imprisoned. The queen again showed her vacillation and would not permit the gait, Richard, who had been head of the conspiracy, to be imprisoned. With great difficulty Stephen finally obtained her consent to have Richard confined in the palace. The bishop of Girgenti secretly fled to Girgenti for the purpose of stirring up that city and the neighboring towns to revolt. But the people of Girgenti did not respond to his appeals and when the court sent a justiciar to Girgenti to arrest him they permitted him to be taken without objection. Brought back to Palermo bishop Gentile was tried at court, condemned and then imprisoned in the strong castle of San Marco in Val Demone until his misdeeds could be reported to the pope.<sup>50</sup>

<sup>49</sup> Falcand., 377-378.

<sup>50</sup> Falcand., 378-379; Romoald Salern., 437.

5. *Revolt of Messina*

The chancellor had now overthrown all his enemies and his future would have been secured had not an unforeseen accident occurred. Contrary to Stephen's orders Odo Quarrel had delayed his departure from Messina, for he could not tear himself away from the happy task of collecting tolls from the ships which passed though the straits on their way to Syria. This action of his stirred up great unpopularity against him among the people of Messina. They complained that it was not right that foreign robbers should be permitted to carry away into France the treasures of the kingdom and money obtained by oppressing the citizens. While the hatred of foreigners in general and of Odo in particular was thus increasing in Messina a quarrel arose between a portion of his followers and some Greeks. These followers of Odo while drunk happened on some Greeks who were gambling and tried to break up their game. The Greeks drove away their annoyers with blows. Highly indignant at this treatment of his men Odo sent for the stratigotus and ordered that the Greeks be arrested and brought to him. The stratigotus explained that in the highly inflamed state of public opinion this would be a very unwise thing to do. But Odo insisted and declared that an example should be made of them.

Then the stratigotus sadly proceeded to carry out his orders. He found the place where the trouble had occurred crowded with a large number of Greeks. When he began to reprimand them sharply for their action, they stoned him and forced him to flee. Then the Italians, who had become very hostile to the French on account of the tolls levied on their ships, urged the Greeks to rise up against them, asserting that the French intended to drive out the Greeks and make them masters of their towns and that the chancellor was plotting to make himself king. All kinds of rumors filled the city and the population was in such a state of excitement that the stratigotus and the judges did not dare oppose it.<sup>51</sup>

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<sup>51</sup> Falcand., 379-380.



When this condition of affairs at Messina was known at court the government acting in the names of the king and queen sent a letter to the people informing them of the condemnation and imprisonment of the bishop of Girgenti, the gait, Richard, and Matthew the notary, because of their conspiracy against the chancellor. They urged them not to be excited by false reports of malicious rumors and to cease from all disturbance.<sup>52</sup>

The stratigotus summoned all the people of Messina to come together in the church to hear this letter. While they were waiting for the stratigotus to appear numerous reports began to circulate among them. Some reported that Count Gilbert had murdered the king and that without a doubt the chancellor had been made king and that it was his letter, which—called the royal letter—they had been summoned to hear read. Others asserted that it was not the chancellor, but a brother of his, Geoffrey by name, who was going to be made king and, therefore, Odo Quarrel was going to France with an immense sum of money in order to escort Geoffrey to Sicily. It was also whispered that Geoffrey was going to marry Constance, the daughter of King Roger II, in order to give legitimacy to his occupation of the throne.<sup>53</sup>

In the midst of the excitement of these rumors one of the crowd, having obtained silence in order that he might speak, proposed that "they first kill Odo Quarrel and then liberate Count Henry who had always greatly loved the people of Messina." This proposal had instantaneous success. All with one accord, forgetting the purpose for which they had assembled, left the church and rushed to attack Odo's house. Unable to take the house the mob rushed down to the harbor where they found Odo's seven galleys well equipped with men and arms. These galleys they compelled to convey them across the Faro. On the advice of the chamberlain of Calabria the people of Reggio opened their gates to the Messinians and fraternized with them. Then the mob attacked the castle in which Count Henry was confined. At first the garrison of the castle beat off the at-

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<sup>52</sup> Falcand., 380-381.

<sup>53</sup> Falcand., 381.

tack of the mob, but seeing that they themselves were few in number and had no provisions with which to stand a siege, they agreed to negotiate, provided the Messinians would produce some official, or responsible person, on whose word they could rely. Thereupon some went back to Messina and brought to Reggio much against his will James, the hostiarius, who had been commissioned by the court to superintend the arming of Odo's fleet. The result was that the garrison surrendered the count. Escorted across the Faro Count Henry was welcomed with great rejoicing by the people of Messina who promised that they would obey him in all things and be faithful to him all his life.<sup>54</sup>

When Count Henry arrived in Messina Odo Quarrel, who had taken refuge in the royal palace with his possessions, was made a prisoner and confined by his command in the "old castle" which was near the port. Then the Messinians, fearing lest the count should treacherously desert their cause and surrender Odo to the court in order to obtain his own pardon, demanded that Odo be put to death, for they knew that if this were done, the court would never pardon the count. Very unwillingly the count saw himself compelled to consent. The unfortunate Odo was delivered over to the mob who stripped him naked and bound him on an ass with his feet towards the head and his head towards the tail. Thus he was led through the city, in the midst of a great, clamoring crowd who came to see the sight, while insults and blows were poured upon him. When he was brought to the gate of the city, one fellow plunged a knife with all his force into Odo's brain, and in the sight of all licked the blood which adhered to the blade as an expression of his inexorable hate. Others followed his example and Odo's body was pierced with innumerable wounds and torn to pieces. His head was fixed upon a lance and for some time shown throughout the city. Finally it was thrown into the public cesspool from whence it was secretly recovered and buried. In the meanwhile the Greeks

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<sup>54</sup> Falcand., 381-382; Romoald Salern., 437.

killed all the French who fell into their hands until Count Henry made them stop by threatening them with punishment.<sup>55</sup>

When the mob began to come to its senses it realized that Messina had risen in revolt against its sovereign. Expecting that a royal army would come to punish them, the people of Messina started in to make every possible preparation for their defense. They barricaded the roads and seized the strong castle of Rime-tula. Then they went against Taormina to liberate Richard, count of Molise, who was imprisoned there. The town soon fell into their hands, but they were unable to take the castle, owing to the loyalty of its warden. Finally through the instrumentality of the gavarret<sup>56</sup> Count Richard was released and the castle surrendered to the Messinians.<sup>57</sup>

At the news of this unexpected revolt the chancellor was much disturbed. He asked permission of the king to send an army to besiege Messina and reduce it to obedience. This request was easily and willingly granted, but a certain date was fixed by the astrologers before which the army could not set out. In the meanwhile the chancellor ordered the people of Catania not to send any provisions to Messina, nor permit the vessels of Messina to load in their port. In order that this command be carried out he directed that all the vessels of Catania be beached. By taking away from Messina all means of procuring food he hoped to reduce it to obedience through famine, since no supplies could come from elsewhere as Calabria that year was suffering from such poor crops that it hardly had sufficient food for its own use. To the help of the chancellor came the Lombards of Sicily whom the chancellor had protected and favored. They urged him to attack Messina and promised that the Lombard towns would furnish him with twenty thousand men. The chancellor informed them of the date which had been fixed for the expedi-

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<sup>55</sup> Falcand., 382-383.

<sup>56</sup> Gavarret, the title of an official subordinate to the warden of a royal castle to whom belonged the care and custody of the castle and the oversight of the prisoners. Falcand., 320.

<sup>57</sup> Falcand., 383-384; Romoald Salern., 437.



tion to start against Messina and ordered them in the meanwhile to make the necessary arrangements for taking part in it.<sup>58</sup>

### 6. *Overthrow of the Chancellor*

Now when Matthew the notary, who was imprisoned in the royal palace at Palermo, learned of what was happening in Messina he began once more to renew his intrigues. Ansaldo, the warden of the palace, who was a friend of the chancellor, was confined by sickness in the upper part of the palace, and the responsibility for guarding the palace fell upon his colleague Constantine. Matthew won over Constantine to his plot and had him make all the servants of the palace, of whom there were about four hundred, swear that on the third day from then they would kill the chancellor as he came to court and with him John of Lavardin and the count of Avellino.<sup>59</sup>

Throughout the city of Palermo the news from Messina had excited great unrest and the population lived in expectation of an outbreak. The rougher element, ever ready to loot, was waiting to fall upon which ever party might become the object of popular outcry. They hoped that it might be that of the chancellor as it was widely reported that his house was filled with wealth. The chancellor was most uneasy and did not know what to do. Ansaldo, the warden of the palace, advised him to disregard the date fixed by the astrologers and betake himself with his soldiers to some fortified place in Sicily. There he should summon the Lombards and the others whom he knew to be faithful to him and gather as large an army as possible until the king arrived, for the longer he delayed in Palermo the less likely he was to escape the plots of his enemies. But Robert, count of Meulan, and other Frenchmen advised him to remain in Palermo, as it was not proper for the chancellor to depart without the king. The advice of these men was followed by Stephen. They were ignorant of the customs of the court and did not realize that there was no place more suited for preparing

<sup>58</sup> Falcand., 384.

<sup>59</sup> Falcand., 385.

ambushes than the palace itself where no one was permitted to protect himself with arms or soldiers.

When the day set for the assassination arrived the servants of the palace, expecting that the chancellor would, according to his custom, arrive early at the place, took their position all armed before the door so that when they had admitted him with a few of his followers they could exclude the soldiers who composed his escort. But Odo, the master of the stables, seeing what was being arranged, hurried to the chancellor and informed him of his danger. Stephen at once abandoned his intention of going to court. Keeping with him only a few of his friends he dismissed the soldiers and doorkeepers of the palace who were waiting before his house to escort him to court. When Constantine learned that the chancellor was not coming to the palace he realized that his plot had been betrayed. He therefore sent some of the servants of the palace, who were well known to the citizens, through the different quarters of the city and ordered them to summon the people to arms and to besiege the house of the chancellor on the ground that he had prepared ships and was on the point of fleeing with the royal treasure.<sup>60</sup>

The city was at once thrown into an uproar. Bands of armed men made their appearance. One Herveus Floridus "had made himself an object of suspicion to the people of the palace, not so much because of his intimacy with the chancellor, as for his much talking of himself." As he rode along by the palace with Roger, count of Avelino, he was seen by the partisans of the gait, Richard, and other armed men who had congregated there. A rush was made at him and he was dragged from his horse and killed. The count was pursued out of the gate of the city into the plain which was adjacent to the palace. He too was on the point of being killed, when the king, wanting to know what was the meaning of the tumult, came to the windows of the palace and, seeing the plight of the count, ordered the assailants with many threats to surrender the count to him safe and sound. But, as even then the fury of the mob could scarcely be restrained,

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<sup>60</sup> Falcand., 385-386.

the king, in order to save the count, gave orders that he be confined in Castellamare.

In the meanwhile a large mob had collected about the chancellor's house. The archers of the court who were accustomed never to be the last in any sedition which gave promise of booty joined likewise in the riot. Simon of Poitou had command of the defense of the chancellor's residence. The suddenness with which the mob assembled had excluded however the greater part of his forces. When the chancellor saw the danger of the situation he betook himself with many nobles from whom he would not be separated through the cathedral which adjoined his house into the belfry.<sup>61</sup>

In the meanwhile Roger of Tiro, the master constable, had come up with his soldiers to drive away the infuriated crowd. But the mob, which was constantly increasing, seeing that it outnumbered his troops, turned on the constable and his men and put them to flight. Then began from all sides a general attack on the chancellor's residence which was valiantly defended. In the midst of the confusion Matthew the notary and the gait, Richard, were released from their confinement and resumed their offices in default of any protest. They then commanded the royal trumpeters to sound their trumpets before Stephen's house. When this well-known sound of war was heard, all the citizens, both Christians and Saracens, believed that the attack was made by order of the king and with loud outcry many more came up to join in the assault. But the besiegers finding they were unable to force an entrance into the house, sought to penetrate it by way of the cathedral. When the door of that edifice had been burned down and the assailants had got a free access there, the defenders resisted none the less bravely until at length, unable to hold out against such numbers, they were forced to abandon the house and retire also to the belfry. Streaming into the chancellor's house through the cathedral, the besiegers captured some of the defenders, whom they sent as prisoners to the warden of the palace, and made terms with the others whom they could

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<sup>61</sup> Falcand., 386-387.



not overpower. They then began to attack the belfry, but as many were seriously wounded and all were tired, the besiegers decided to put off their attack until the next day.<sup>62</sup>

In the meanwhile Matthew of Aiello and the other leaders of the conspiracy began to fear that after all the uprising might not end with their success. The king, urged by his mother, wanted to leave the palace and stop the attack on the chancellor's house; but he was dissuaded by Matthew the notary and other conspirators who said that it was not safe for him to expose himself in such a storm of arrows and stones. They foresaw that if the affair was allowed to drag on for another day the populace might grow tired, or become repentant, and thus give up the attack when they found out that it had been made contrary to the king's will. They therefore entered into negotiations with the chancellor for the purpose of persuading him to leave the realm, if they gave him an opportunity to go freely to any land he wished.

The chancellor was greatly frightened by the outbreak and ill-advised as usual by his French followers. He completely exaggerated the gravity of the situation and the importance of the attack upon him. He therefore let himself be forced into accepting the terms offered him by his enemies. These were that he with a few followers, chosen by himself, should be transported on an armed galley to Syria; that the count of Meulan and the other Frenchmen should be furnished with ships to return to their own country; that the nobles of the kingdom of Sicily who had taken refuge with him in the belfry should not be deprived of their lands or their liberty; and that the soldiers who had been in his pay should be given the choice of either remaining at the court or of going wherever they pleased. Richard, the bishop-elect of Syracuse, Matthew the notary, the gait, Richard, Romoald, archbishop of Salerno, and John, bishop of Malta, swore to see that these conditions were observed.

Thereupon that night a galley was prepared and early in the morning the chancellor, with a few of his companions, left the

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<sup>62</sup> Falcand., 387-388.

belfry of the cathedral and went to the French port. As he was about to embark the canons of the cathedral who were present asked him to absolve them from the oath of fidelity. Stephen had not intended to give up the archbishopric of Palermo. He therefore remained silent. Then the familiars of the court began to urge and to threaten that he should renounce his election and thus permit the canons to choose a new archbishop. Seeing the armed multitude grumbling, the soldiers making a disturbance and the barons angry because he would not give up his hope of returning to Sicily, Stephen again lost his courage and renounced his election. Then going on board he set sail, accompanied by the bishop of Malta as his protector. But the galley was found to be so unseaworthy that he was forced to put ashore at Licata, near Girgenti. Here he purchased a ship from some Genoese with which he arrived safely in Syria.<sup>63</sup> He then went to Jerusalem and not long afterwards died there.<sup>64</sup>

Thus the power of Stephen of Perche was overthrown in the summer of 1168. The movement in Messina had been a riot which of its own momentum had become a revolt. The populace of Palermo, already keyed up to a high pitch by the intrigues of the chancellor's enemies, at once seized the first opportunity to follow the example of Messina and break out into riot. The chancellor became the object of their attack only because as he was reputed the wealthiest man, he offered the greatest opportunity for booty. His enemies found themselves with hardly an effort, and probably to their great surprise, in the position which they had sought so long and so hard to obtain.

The leaders of the clergy and of the official class now gained control of the government. The queen mother, although permitted to keep the title of regent, was henceforth shorn of all power in the administration. The common bond among the victors had been their opposition to Stephen of Perche. Hence all who had suffered at his hands were to be restored to their power and position. Thus Gentile, the bishop of Girgenti, was re-

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<sup>63</sup> Falcand., 387-389; Romoald Salern., 437.

<sup>64</sup> Romoald Salern., 437.

leased from his prison and became again a familiar of the court. Richard, count of Molise, and Henry, count of Montescaglioso, returned to Palermo followed by many people of Messina. A reorganization of the court occurred and the control of the government was entrusted to a commission of ten familiars apparently coequal in authority. They were Richard Palmer, bishop-elect of Syracuse; Gentile, bishop of Girgenti; Romoald, archbishop of Palermo; John, bishop of Malta; Roger, count of Geraci; Richard, count of Molise; Henry, count of Montescaglioso; Matthew the notary, the gait, Richard, and Walter of the Mill, dean of Girgenti and tutor of the king.<sup>65</sup>

#### 7. *The Ascendancy of Walter of the Mill*

In this commission of familiars which now undertook the government of the kingdom the leader was not Matthew the notary or Richard of Syracuse. A new, strong, dominating personality began to assert itself. It was that of the Englishman Walter of the Mill, dean of Girgenti, canon of Palermo and the king's tutor. The archbishopric of Palermo was the goal of the ambition of most of the ecclesiastics of Sicily, but especially of Richard Palmer. Nevertheless in spite of his relatively subordinate place in the church, Walter of the Mill succeeded in securing the support of the people of Palermo and the consent of the court and had himself elected to that archbishopric. While Walter was rapidly becoming the most important man in the government, the queen and the supporters of Stephen of Perche, for there were still some of them, attempted to fight the governing clique and to open up a way for Stephen's return. They declared that Stephen had been compelled to resign his archbishopric under compulsion and therefore his resignation was not valid. The queen sent a large sum of gold to Rome to influence the pope to accept this view and to declare the election of Walter uncanonical. Walter on the other hand made use of the same means to procure his confirmation. The pope decided in favor

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<sup>65</sup> Falcand., 389.



of Walter and granted him permission to be consecrated by his own suffragans, while the pallium was conferred on him by cardinal John the Neapolitan.<sup>66</sup>

Having obtained the archbishopric of Palermo, the most important ecclesiastical position in the Sicilian kingdom, it was not long before Walter of the Mill overthrew the commission of familiars and made himself the principal minister of the crown. It was but natural that this should happen. So ambitious a man could not tolerate rivalry. The commission embraced so many varied and jealous elements that it soon became impossible for it to work in harmony, while the traditions and precedents at the court were in favor of a single, powerful minister.

The new archbishop promptly brought about a reorganization of the court. Reserving the principal power in his own hands, he continued as familiars under him only Gentile of Girgenti and Matthew the notary, who in December, 1169, appears as vice-chancellor.<sup>67</sup> Every obstacle in the way of his success was removed by the arrival of the news of the death of Stephen of Perche in Syria, which so discouraged the queen that she abandoned her efforts to recover her power. "So the greatest power in the kingdom and the control of all affairs was in the hands of Walter, archbishop of Palermo, who was on such intimate terms with the king that he did not seem to rule the court so much as he did the king."<sup>68</sup>

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<sup>66</sup> Falcand., 390; Romoald Salern., 437; Pirro, R., *Italia sacra*, ed. H. Mongitore, I, 104.

<sup>67</sup> Garufi, *Documenti inediti dell' epoca normanna in Sicilia*, 115.

<sup>68</sup> Falcand., 390-391.

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JOHN SPENCER BASSETT  
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*Editors*

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NORTHERN OPINION OF APPROACHING  
SECESSION

October, 1859–November, 1860

*By* LAWRENCE TYNDALE LOWREY

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## INTRODUCTORY NOTE

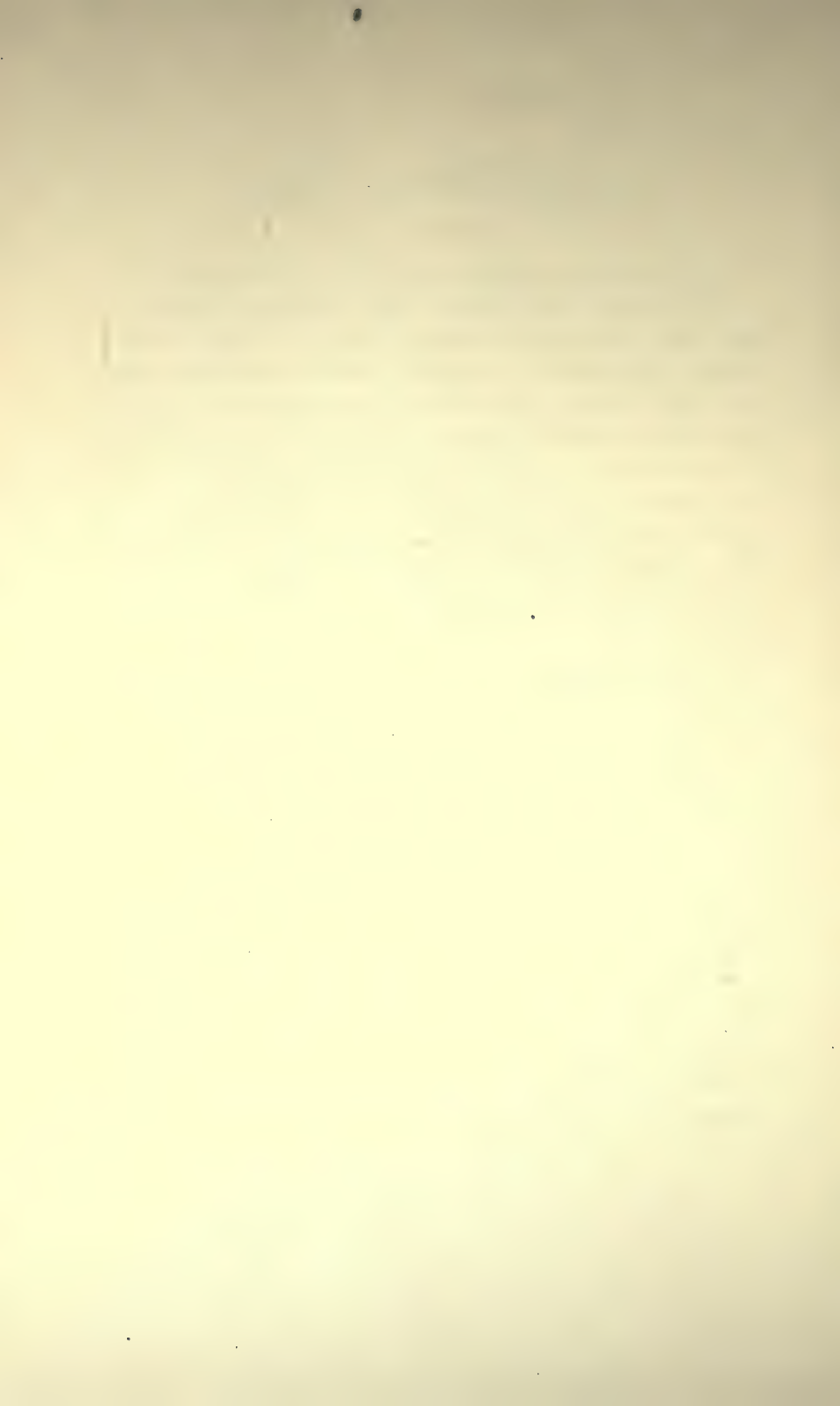
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The four chapters included herein cover only the period from the John Brown raid through the presidential election of 1860. These are to be the opening chapters of a longer work—*Northern Justification of Secession, from the John Brown Raid to the Fall of Fort Sumter*—which I am preparing as a doctoral dissertation in Columbia University. My use of the word “Northern” in the title is not precise, as opinions are given only from New England, New York, New Jersey, and Pennsylvania, except in a few cases where outside opinions are approved in these localities. My reason for treating these States only is that another writer is soon to issue a monograph covering similar views in what was known as the Northwest, including the States from Ohio westward.

Although the incidents treated in this essay may fairly be considered as a distinct phase of my general subject, two difficulties have been encountered, for which I must ask toleration and patience of the reader: first, closing the discussion with what would be Chapter IV of the larger work gives the matter a rather abrupt ending; second, in this partial treatment full justice cannot be done to all the sources quoted, mainly because some of the republican newspapers later opposed the use of force to hold States in the union—as is foreshadowed in the latter part of this discussion—and almost all of the democratic journals came finally to an ardent support of the government in preserving the union. This will be shown with some fullness in later chapters of my larger work.

The use of italics and capitals for emphasis in the quotations in every case follows the original.

L. T. L.



# Northern Opinion of Approaching Secession, October, 1859-November, 1860

## CHAPTER I

### AFTER THE JOHN BROWN RAID

The most influential abolitionist newspaper ever published in this country, *The Liberator*, was founded in 1831. Less than ten years after that, one of its readers, John Brown, told his family that the sole purpose of his life was to make war by force and arms on African slavery in the southern part of the United States.<sup>1</sup> In 1859, Brown planned to seize the national armory and arsenal in the little village of Harper's Ferry, Virginia, to arm all the negro slaves in the vicinity, and to help them gain their freedom. He, therefore, secured a fund of several thousand dollars from sympathizers in the North, with which he purchased a large supply of weapons. On the night of October 16, 1859, Brown, with eighteen heavily-armed followers, seized the armory and arsenal and took several prominent citizens of Harper's Ferry as hostages. By the morning of the 18th, militia companies from neighboring towns, aided by armed citizens and a small force of United States marines, had killed ten of the party of nineteen, and captured five, including Brown himself. The other four escaped. Of the citizens, militia, and marines, five were killed and nine wounded.

It would be impossible to describe the full effects of this event on the minds of the people of Virginia, and, indeed, of the whole South. The raid had been a total failure so far as freeing the slaves was concerned, since the few to whom weapons were given declined to use them against their masters, and were

<sup>1</sup> Most of the facts regarding the raid are taken from J. F. Rhodes, *History of the United States from the Compromise of 1850*, vol. ii. See also, *John Brown, 1800-1859, a Biography Fifty Years After*, by Oswald Garrison Villard.



glad to be allowed to return unhurt to their homes. But how wide-spread was the conspiracy? Who had furnished the money and weapons? Who had inspired the attack? Were any prominent persons implicated? To what extent did the people of the North approve of such an expedition? These and numberless similar questions occupied the minds of the white men living in the slave-holding States. The "irrepressible conflict" so forcibly presented by Senator Seward had entered a new phase.

The news of this most spectacular of all attempts to liberate the slaves had not reached the farthest bounds of the nation before the press, the pulpit, and the platform were ringing with condemnation or praise of the band of would-be liberators. There was unanimity on this point only: the plan by which Brown and his followers had hoped to accomplish so much was foredoomed to certain failure; for it was an attack not only upon the State of Virginia, but upon the national government as well.

The only persons who offered unbounded praise were the abolitionists. Most of the republicans—of whom there were none in the far South and but few in any slave-holding State—condemned the whole scheme; but scattered throughout the North, especially in New England, were found other persons who honored the attackers as highly as abolitionists honored them. The members of the democratic party everywhere were as strong in their censure as the abolitionists in their approval, though many democrats, especially in the North, opposed slavery itself as much as anyone. But they did not approve of the methods used by abolitionists and by some republicans who wished to get rid of it in the States where it existed. Besides, all shades of opinion were held by persons belonging to none of the political parties mentioned.<sup>2</sup>

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<sup>2</sup>The principal political beliefs of the time were, briefly, as follows: The republicans maintained that the national government had a right to interfere in the territories to prevent slavery, and that this prerogative should be exercised in the broadest manner; the democrats were divided: those who shared the view of Senator Stephen A. Douglas, of Illinois, in his "Freeport Doctrine," that Congress could not force slavery upon a territory against its will, were commonly known as anti-Lecompton democrats; and the Lecompton democrats—a name derived from

Few truths in American history are better known than the fact that in States in all parts of the nation, from Washington's administration to Buchanan's, threats had been made to secede from the union or to nullify laws of congress. Perhaps the chief instances of a threatened withdrawal were: the New England States at the Hartford Convention in 1814; Massachusetts alone, in connection with the annexation of Texas; and a number of southern States at the Nashville Convention in 1850. Among the leading examples of nullification and defiance were: the Kentucky and Virginia Resolutions of 1798-9; Pennsylvania's refusal to carry out orders of the supreme court in 1808; South Carolina's opposition to the tariff laws, 1828-33; Georgia's repudiation of United States Indian treaties, 1828-32; and Wisconsin's resolution, through her legislature in 1859, that the supreme court should be defied. As Charles Francis Adams pointed out in a recent lecture before the University of Oxford, "Evidence . . . is conclusive that, until the decennium between 1830 and 1840, the belief was universal that in case of a final, unavoidable issue, sovereignty resided in the State, and to the State its citizens' allegiance was due."<sup>3</sup>

Even as late as 1860, one of the most common ways of re-

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those who supported President Buchanan's policy of admitting Kansas as a slave State under a constitution made at Lecompton, Kansas—held with the republicans that congress might interfere in the territories with respect to the status of slavery, but, as against the republicans, that under the constitution the interference should be to uphold slavery instead of to prevent it. A fourth and evanescent political division was known as the constitutional union party; it had no platform other than "The constitution, the union, and the enforcement of the laws." Most of the abolitionists, in 1860, voted with the republicans. The expression, "the opposition," in this work will be used to refer collectively to the chief opponents of the republicans; that is, to all the democrats together with the constitutional-unionists.

<sup>3</sup>C. F. Adams, *Trans-Atlantic Historical Solidarity*, p. 45. See the following by Senator Henry Cabot Lodge: "It is safe to say that there was not a man in the country, from Washington and Hamilton, on the one side, to George Clinton and George Mason on the other, who regarded the new system [i. e., the nation as established under the Constitution] as anything but an experiment entered upon by the States, and from which each and every State had the right peaceably to withdraw, a right which was very likely to be exercised." *The Americana Encyclopaedia*, in article "Confederate States of America."

ferring to the United States was to designate it as "the Confederacy," indicating thereby the belief that what we now think of as a nation was only a kind of league, or an alliance. Just after South Carolina had passed her ordinance of secession, for instance, a resolution introduced in the New York State Assembly at Albany, looking to the appropriation of ten million dollars to arm the State, contained the words, "the United States of the Confederacy."<sup>4</sup> A considerable proportion of the newspapers in the North at some time during 1860 made use of the same expression.

There was no novelty, therefore, in statements in many Southern newspapers, during the weeks immediately following the John Brown fiasco, that the Southern States should consider the expediency of withdrawing from the union. They argued somewhat as follows: For thirty years the abolitionists have kept up an unceasing warfare upon our domestic institutions; even twenty years ago such persons were rare in the North, but they are now numerous, and their numbers are increasing with alarming rapidity; their emissaries in the South have scattered abolition literature among our slaves, in some cases urging them to murder their masters if necessary to effect their escape, and by means of the Underground Railway they have caused us to lose many thousands of dollars worth of property in slaves; they refuse to allow our servants to accompany us into Northern States, and deny that slave-holders have the same right to take their slave property into the common territories as Northern people have to take their property there; when our slaves escape into free States, they are seldom returned in accordance with the fugitive slave law, but are frequently aided in evading capture; we are abused and denounced in the strongest language because we are slave-holders; our territory is invaded and our peaceful citizens captured and killed; and now a great political party, which originated little more than four years ago, and which countenances much of the above, has grown to such proportions that it controls most of the Northern States: if it

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<sup>4</sup> *New York Weekly Day-Book*, January 5, 1861.



should gain the presidency a year hence, would Southern States not be justified in seceding? What would be the answer of the North?

To the "disunion sentiments" of the newspapers in the South were soon added messages of a number of governors in that section to their legislatures, and after the opening of congress on December 5th some of the more ardent Southern senators and representatives still further voiced the opinions of their constituents, to the effect that in certain contingencies their States should no longer remain in the union.

Northern replies to this can be divided into no precise categories, largely because [the thinking on the subject was everywhere confused and in the same observers varied greatly from time to time.] But immediately after the John Brown raid, republicans almost solidly denounced such expressions on the part of the South. [Some denied strenuously that there was ground for complaint or for secession; others made light of the whole affair, ridiculing the South, and declaring that threats of dissolving the union were only repetitions for political effect of cries which they had frequently heard before; while still others sometimes more or less ironically expressed a willingness to see the dissenting States withdraw.]

The editors of the *Providence Daily Journal* and the *New York Evening Post* are fair examples of republicans who were at this time unequivocally opposed to secession. [The *Journal*, though not approving of John Brown, held throughout the month of December, 1859, that the South was altogether wrong in its position regarding a dissolution of the union, and on the following January 9th said that the North was firmly resolved to hold all the States in the union.] The *Post* was convinced that the Southern members of congress meant nothing by their disunion speeches,<sup>5</sup> and spoke of their proposals as advising "treason."<sup>6</sup>

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<sup>5</sup> January 11th.

<sup>6</sup> January 14th.

Remarks by the republicans in the congress then in session were much along the same line.<sup>7</sup>

(Representing those who were inclined to ridicule and defy the South was the New York *Tribune*, edited by Horace Greeley, and incomparably the most influential republican newspaper of the time.) It claimed, and probably had, the largest circulation in the world,<sup>8</sup> and was a tremendous factor in national politics throughout the administrations of Buchanan and Lincoln. It said in an editorial of January 5, 1860:

It is striking how gentle the fire-eaters<sup>9</sup> have become since the Republicans have caused it to be understood that they do not think Virginia ought to have a monopoly of the hanging of traitors. It is perhaps as well, however, for them to understand that the future Republican administrators of Federal power will not try and execute the Democratic Disunionists, who may hereafter fall into their hands, with the indecent haste exhibited by Virginia in the case of John Brown.<sup>10</sup>

The *Tribune* soon<sup>11</sup> joined the *Post* in accusing of treason those who advocated disunion if a republican should be elected president. These ideas are also to be found in a number of other republican papers, for the news stories and the editorials of the *Tribune* were frequently copied by smaller journals.<sup>11a</sup>

Admitting as true the doctrine of the "irrepressible conflict," other republicans were not averse to allowing the Southern States to withdraw, at least in certain contingencies. Next to the *Tribune*, perhaps the most influential republican paper in New York was the *Times*. Its editor, Henry J. Raymond, in a

<sup>7</sup> E. g., see speeches by G. W. Scranton and J. H. Campbell, both of Pennsylvania. *Congressional Globe*, January 11th.

<sup>8</sup> On January 2nd it claimed a daily circulation of 39,000; semi-weekly, 22,500; weekly, 181,000; edition for California, 4,500; total, 247,000.

<sup>9</sup> A name frequently applied by extreme Northern men to extreme Southern men.

<sup>10</sup> Brown was hanged on December 2, 1859.

<sup>11</sup> January 19th.

<sup>11a</sup> Several times in November and December the *Tribune* had expressed similar sentiments. The Pittsburgh *Evening Chronicle*, December 10th; Newburyport (Mass.) *Herald*, December 3rd; and the Pottsville (Pa.) *Miners' Journal*, December 10th and 17th, are among those holding southern threats in derision.

speech<sup>12</sup> at Troy, N. Y.,—after wondering whether or not the old feeling of good-will would ever be restored between the North and South—said if this could not be brought about, “then sever the Union as soon as you please. Nobody cares for a Union that gives us none of the blessings which the Union was designed to secure for ourselves and our posterity. (Applause.)” A month later he said in an editorial that it was perhaps not unconstitutional for one State at a time to withdraw (which was the method finally pursued) just so it did not covenant with others to do so.<sup>13</sup> A republican ex-governor of Connecticut (Henry Dutton, was still more willing to see the South depart. He said in a letter at this time, “If I knew that by voting for Seward, or Chase, or Banks, or any other man whom I regarded as most worthy to fill the Presidential chair, the whole South would secede and dissolve the Union, I should not hesitate a moment to vote for him.”<sup>14</sup>)

<sup>12</sup> December 28th. Reported in *Times*, January 2nd. Raymond had formerly been lieutenant-governor of New York.

<sup>13</sup> January 30th. Its exact language was: “It may be that in adopting the Constitution of the United States, no State surrendered its right to withdraw when it pleased; or it may not be; but this much is certain, that in agreeing to abide by the provisions of the Constitution . . . each State has expressly agreed not to leave the Union in compact in concert with others. She may possibly have the right to go out alone, but she certainly has not the right to make preparations to have others go out with her. If Virginia thinks she can do better by going into business on her own account, it must be on her own account solely, and not in partnership with other malcontents.” At intervals, however, the *Times* seemed to agree with the *Evening Post*. Before this, in the same month, it said that secession was only another name for revolution, and on February 8th spoke of Sam Houston’s declaration that there was no abstract right of peaceable secession as “well-timed.”

See the Utica (N. Y.) *Observer and Democrat*, a strong democratic paper, which on December 13th criticized the Albany *Evening Journal*, republican, for saying on December 3rd, “When a Republican President is elected, those who *wish to go out of the Union can do so*,” and for then changing its position within three days and declaring that all republicans believed this union “must and shall be preserved.” The *Observer* expressed the hope that the *Journal* might prove its belief in the latter doctrine by ceasing its “unprovoked war upon the Southern States.”

<sup>14</sup> Newark *Evening Journal*, December 16th. The Buffalo *Commercial Advertiser*, which supported Lincoln in 1860, but claimed in 1859 to be an “American” paper, agreed at this time with some of the most



[There are numerous evidences that during these same months many persons in the North preferred a dissolution of the union to a continuation of slavery.<sup>15</sup>] The *Trenton True American* said, for example, (December 5th), "We see Northern fanatics and demagogues calling upon the South to withdraw, and telling it that 'the offer of a separation in serious earnest would meet the hearty response of millions.'" On January 24th, a letter<sup>16</sup> was written to Senator Charles Sumner, of Massachusetts, by D. Lee Child, of Wayland, in that State, in which he said, "If our Southern associates, or any portion of them, *will* take themselves off, I think they ought to have full permission to do so. I should consider it not a loss but a relief." He went on to say that formerly he was ardently, nay superstitiously, devoted to the union, but that he had changed his mind since seeing that it was a source of power to "slave-breeders," and had come to the conclusion that "no empire exists which would break up so readily as this confederacy." [George S. Boutwell, a former governor of Massachusetts, wrote the same senator three days earlier that "the great question is not the existence of the Union, but the preservation of the institutions of freedom."<sup>17</sup>]

The question of "coercion," or forcing a State to remain in the union against the will of its people, was little discussed at this time as compared with a year later. But there were some persons, chiefly democrats, who, like most of the religious press late in 1860, while disregarding the question of a constitutional "right of secession," thought that if an effort should be made on

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strongly anti-republican journals. It questioned (December 21, 1859): "If the South, having a majority of the electoral votes, should exclude all save slave-holders from the Presidency, and should elect such a slaveholder by their exclusive votes, thus practically shutting out the North from a share in the National Government, would the North submit to it?" Its reply was: "This—*mutatis mutandis*—is what the Republican party proposed to do in 1856, and what it again proposes to do in 1860. Will the South submit to it? If so, then it is a community of doughfaces. There is no such thing as an equal partnership with the rights, privileges and profits all on one side."

<sup>15</sup> Many of these were of uncertain political alignment.

<sup>16</sup> Sumner manuscripts, Harvard Library.

<sup>17</sup> *Ibid.*

the part of any State to withdraw, no physical force should be used to prevent it. One of the chief reasons for this was the belief that to compel a Southern State to continue as one of the United States was impossible, in view of the fact that both England and France might intervene to prevent the subjection of the South.<sup>18</sup>

Some others thought the nature of American institutions forbade coercion. "Where force is required to keep one-half the States in union with the other half, the thing desired to be preserved is no longer worth it. The union of these States must rest upon the common interests of all sections, and upon the consent of the several States."<sup>19</sup> Former United States Senator George Evans, of Maine, said in a speech at Bangor that the union would never be preserved by force of arms, and that he trusted the North would "never be so crazy" as to keep the Southern States at all "if that prove to be the only mode by which they can be held. If they go, in God's name, let them go in peace."<sup>20</sup> Likewise, a New York committee<sup>21</sup> in December, 1859, declared:

It is often said that the Union can and will be preserved, by force if necessary. Does anyone believe that a permanent union between two hostile powers can be preserved by force? How long before the required force would become a despotism? No generous heart would wish for, or tolerate such a union. Ours is a union of friendship as well as common interest, and like all other friendships, its very essence is free will.<sup>22</sup>

<sup>18</sup> Adams, *op. cit.*, pp. 71-77.

<sup>19</sup> Philadelphia *Dollar Newspaper*, November 16, 1859.

<sup>20</sup> Portland (Me.) *Eastern Argus*, November 16, 1859.

<sup>21</sup> This committee was appointed at a meeting held in the Academy of Music, December 19th, which nominated General Winfield Scott for president and Sam Houston for vice-president. *New York Times*, January 12th.

<sup>22</sup> The Albany *Atlas and Argus* and the Pittsburgh *Daily Post*, both strongly democratic, held opinions similar to this. Thus the *Post*, January 7th said: "No drop of blood must be shed in the effort to keep the Northern and Southern sections of these States under one government . . . All thoughtful men are settled in the belief that if disunion must come, it must be peaceful, and, to some extent, deliberate. In any partnership or association, the consent of associates is essential to the continuance of the compact, and each partner has a sovereign control over his own property. . . . The Southern people have not presumed

The members of the "opposition"—besides those who demanded that there should be no coercion—may be divided roughly as follows: those who regarded secession as a majority of the republicans viewed it, firmly denying that such a right existed; a larger number who maintained that under certain conditions secession would be justified; and others who believed that the South had ample cause for withdrawing when it saw fit. There was so much shifting of opinion that it is at times impossible to place persons or newspapers in any fixed group. No attempt will be made, therefore, to distinguish precisely between those in the second and third divisions just mentioned, for the reason that so many seem to have been first in one, then in the other. All, however, were in favor of keeping the union intact, the plea of these two last classes being simply that if Southern States should secede, right or justice would be on their side.)

The Rochester *Union and Advertiser* illustrated the attitude of those agreeing with the most numerous group of republicans when it said that Senator Iverson, of Georgia, might "talk of secession," but that there were enough Northerners who believed in the constitution to "put down or hang up" those who might "attempt to act it."<sup>23</sup> The Hartford *Weekly Post* believed that the South had "no cause to court disunion," and sternly reproved South Carolina for its disunionism; but it held that the South might demand of the North a maintenance of all its constitutional rights, for an "infracton of those rights is of course in itself a dissolution of the Union."<sup>24</sup> Similarly, the Philadelphia *Press*, although having an "ardent sympathy for our Southern people, thus unwarrantably and insanely assailed" at Harper's Ferry, considered secession a "mad hope," and spoke of dis-

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to tell us how to manage our internal concerns. The whole trouble, as we take it, comes from the fact that we are determined to manage theirs and our own also. . . . If the South resolves to leave the Union, she will go because the North denies her rights which were granted her when the original compact was entered into."

<sup>23</sup> January 12th.

<sup>24</sup> December 17th and 24th.



union movements as "treasonable."<sup>25</sup> In congress, the position of the anti-Lecompton democrats was almost identical, as may be seen in a speech by John Hickman, of Pennsylvania, in the house of representatives. He said: "If dissolution means that there is to be a division of territory, by Mason and Dixon's line, I say 'no;' that will never be. . . . the North will never tolerate a division of the territory." The same sentiment appeared in the remarks of Horace F. Clark, of New York, who resolutely denied the right of a State to dissolve the union whenever its people were "disaffected or in passion or alarm."<sup>26</sup>

Some of the leading journals which later supported the constitutional union candidates were of the same temper. (The New York *Evening Express*, for example, stated: "There can be no peaceable disunion, and. . . Southern rights can be maintained, and Southern wrongs redressed much better within the Union than out of it;") and the *Charleston News* was taken to task for distinguishing between secession and revolution: "What is the use, then," asked the *Express*, "of theoretic *chop logic* upon the difference between secession and revolution, when both *practically*, amount to, and mean, the same thing?"<sup>27</sup> (The Boston *Courier* also denied the right of a State to secede, believing "the deliberate consent of the whole to be necessary to resolve into its original elements that 'Perfect Union,' to which all individually and collectively agreed.") It concluded, however, that there was no longer any cause of serious division between the South and the North.<sup>28</sup>

A number of things influenced the members of the "opposition" who believed that in certain circumstances States would be justified in a separation from the union, and who offered arguments to vindicate the position so strongly maintained in the South. Of these influencing causes, probably the most irritating to the slave-holders was the continuous expression of strong admiration for John Brown and his band. True, most

<sup>25</sup> November 15th, December 23rd.

<sup>26</sup> *Congressional Globe*, December 12th, December 21st.

<sup>27</sup> January 10th, February 11th.

<sup>28</sup> December 22nd.

people in the North indicated disapproval of the attack upon Harper's Ferry, but very many of these same persons expressed the highest regard for the personal courage and ultimate purpose of the invaders.) This feeling, however, was confined almost altogether to abolitionists and republicans—even those who believed Brown's mind was affected frequently managing to commend him. The entire South considered reprehensible in the extreme such assertions as the following from republican papers appearing on and subsequent to the day Brown was hanged:

"From that gallows [Brown's] will rise ten thousand John Browns, to haunt and harass, by night and day, the cowardly and shameless defenders" of slavery.—Kingston (N. Y.) *Democratic Journal*, December 7th.

"Legally a criminal, morally he appears to have been as spotless as a lamb." "The great world wept over the dead body of John Brown."—Newburyport (Mass.) *Daily Herald*, December 3rd and 5th.

"He is an indication of the onward progress of Abolition feeling in the country; he is a genuine hero. God bless Ossawatomie<sup>29</sup> Brown."—Springfield (Mass.) *Republican*.<sup>30</sup>

"Every republican naturally sympathizes with John Brown."—*Independent Democrat*, Concord, N. H.

"We honor him; we applaud him."—Winsted (Conn.) *Herald*.

"Today, the noblest manhood in America swings off the gallows of a felon."—New York *Tribune*.

"John Brown meetings" were held in various parts of the North to commemorate his exploits and render expressions of sympathy, while at some places salvos were fired in his honor. Not all republicans, however, approved of such proceedings. The *Hartford Courant*, for instance, admitted: "Brown was righteously hung, and. . . anybody who chooses to follow in

<sup>29</sup> A Kansas town in which he resided for a time.

<sup>30</sup> This quotation and the next three are quoted from the *Providence Post*, March 22, 1860.

his footsteps should be burned at the stake, over fagots of green wood."<sup>31</sup>

The Boston *Courier* sounded the keynote of those opposing praise of the raiders: "The insurrection at Harper's Ferry was something," it held; but it was "nothing in comparison with the outrageous and abominable comments which it has called forth from a portion of the New England press and the New England pulpit. These have awakened the deepest and most pervading indignation throughout the South; and it is perfectly natural that they should have done so."<sup>32</sup>

To counteract the influence upon the South of these meetings commending the efforts of Brown, "union meetings" were held in many Northern cities in order to assure the people of the South that they had numerous friends in the North who were not "abolitionized," and that they meant to stand by the constitution, especially with regard to those provisions which allowed the holding of slaves and provided for the return of fugitives. Thus they hoped to preclude efforts to withdraw, and so to save the union. The participants in those meetings included a few republicans and all other classes save abolitionists. Most republicans claimed that the gatherings were only ruses to win votes for the democrats. Meetings held in Boston, New York, and Philadelphia were typical. Of these three, the most moderate was in Boston, held in Faneuil Hall on the morning of December 8th. Presided over by ex-Governor Levi Lincoln, its vice-presidents included four other former governors of the commonwealth, and Mayor F. W. Lincoln, Jr., of Boston. The presiding officer, not overlooking various unjust aggressions which he believed the South had committed against the North, heartily scored Brown and his sympathizers—as did the resolutions passed by the meeting—promising at the same time fidelity

<sup>31</sup> Taken from New Haven *Daily Register*, December 22nd.

<sup>32</sup> December 7th. On the 3rd, the *Courier* suggested that its own State give Virginia twenty thousand dollars to help pay the expenses she incurred on account of Brown, and a week before that it declared that the public meeting in Boston sympathizing with Brown did the city injustice because most Bostonians did not approve of his course.



to the constitution and all parts of the union, but believing that nothing could be gained by disunion. Moderate speeches were made by several prominent men, including Edward Everett. The most vigorous address of the day was made by Caleb Cushing. The meeting at Philadelphia was held December 7th. Some of the more strenuous upholders of the democratic party thought the resolutions hardly strong enough. The latter, as well as the orators of the occasion, condemned in particular the personal liberty bills passed by certain Northern legislatures seemingly in contravention of the fugitive slave law. The resolutions were said to "embody the sentiments of a vast majority of the citizens of Philadelphia."<sup>33</sup>

The most enthusiastic meeting of the three was in New York, held in the Academy of Music on December 19th. The strongly "pro-Southern" tone of some of the proceedings here may be seen from extracts from two of the principal speeches. The first was by General John A. Dix, who about one year later became post-master general of the United States. He said:

Let us change positions with our Southern brethren . . . they find emissaries from the North coming among them to sow the seeds of dissension in their families, to incite their slaves to insurrection, to break up their homes, destroy the value of their property, and put their lives in peril. Is there a man within reach of my voice who can find fault with them for any measure of resentment with which these aggressions are repelled? ("No, no.") Would we ourselves submit to them peaceably, if our places were reversed? ("No, no.") No, fellow-citizens, they are wrongs not to be patiently endured—wrongs under the sting of which even the horrors of disunion may be fearlessly encountered as an alternative, with which, if all else be lost, honor and self-respect may be preserved. (Applause.)<sup>34</sup>

The other was by Hon. Charles O'Connor, a leader of the New York bar.<sup>35</sup> He declared:

<sup>33</sup> The *Christian Observer*, a Presbyterian weekly, December 15th. This paper, the editor of which was born and reared in New England, said, December 1st, that John Brown was "the most reckless midnight assassin known in this country." Many members of the religious press were strongly against Brown, e. g., the *Christian Register* and the *Recorder*, both published in Boston, and the *Philadelphia Presbyterian*.

<sup>34</sup> *Official Report of the Great Union Meeting*, Academy of Music, December 19, 1859. Pamphlet in Columbia University Library.

<sup>35</sup> The Worcester (Mass.) *Aegis and Transcript*, an intensely republican paper, referred to him (November 10, 1860) as "a man of great

If we continue to fill the halls of legislation with abolitionists, and permit to occupy the executive chair public men who declare themselves to be enlisted in a crusade against slavery, and against the provisions of the Constitution which secure slave property, what can we reasonably expect from the people of the South? . . .

I do not see, for my part, anything unjust, anything unreasonable, in the declaration of Southern members [of Congress]. . . . If the North continues to conduct itself in the selection of representatives in the Congress of the United States, as, perhaps, from a certain degree of negligence and inattention, it has heretofore conducted itself, the South, I think, is not to be censured if it withdraws from the association. What must we sacrifice if we exasperate our brethren of the South, and compel them, by injustice and breach of compact, to separate from us and dissolve the Union?<sup>36</sup>

The republicans were inclined to scoff at the "union-savers." "Why hold meetings at the North?" they asked. "No one is in favor of disunion here; the traitors are all at the South." Replying to this question, the Utica (N. Y.) *Observer and Democrat* claimed that it was

just so before the American Revolution. The Englishmen's Government oppressed the *colonists*; but no one in Great Britain was in favor of a dissolution of the union, and those who remonstrated against the injustice and aggressions of England, and threatened if it were continued to dissolve the connection, were denounced as *traitors*! Tyrants are everywhere the same . . . our Northern Abolition-Republican tyrants believe the South cannot be *driven* out of the Union. Every man of sense, however, knows that here at the North is the place to save the Union. The wrong is here—so is the danger—and so must be the remedy. The North must stop its impertinent intermeddling with what is none of its business; and then, and not till then, we will have peace and fraternity of feeling between the States.<sup>37</sup>

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ability and high character for business, integrity, and social respectability." His fellows of Irish descent seem to have approved his course. A few weeks after the meeting, February 4th, the New York *Irish-American* displayed his portrait, saying, "Our people are proud of him as a noble scion of their ancient stock." On December 10th preceding, the *Irish-American* had called Brown a "blood-stained bandit," and condemned those who made him "the patron of a political creed antagonistic to the very existence of the Republic."

<sup>36</sup> From *Echoes of Harper's Ferry*, by James Redpath, pp. 286-287. Not all of the speeches were of this tenor. Some of the speakers thought disunion unjustifiable in any case.

<sup>37</sup> December 20th. This article was copied with evident satisfaction by the Keene (N. H.) *Cheshire Republican*, January 11th. Cf. *Hartford Times*, January 3rd: "When we at the North learn to mind our own business, and let the South manage theirs, *then*, and *not till then*, will *sober reflection* teach them [the South] their true interests."

A part of the North was denounced, both in and out of congress, for alleged outrages committed against the slave-holding States. Some blamed abolitionists and republicans<sup>38</sup> in general, while others believed only a few of them should be held responsible; that the "madness and fanaticism" of these few, however, were endangering the union; that "the continued assaults, the incendiary and blasphemous speeches" by this minority, and their attempts to stir up insurrection among the negroes, had led many in the South to believe the "endurance of such insults and wrongs" was "no longer tolerable."<sup>39</sup>

A hundred quotations might be given from these critics showing that they believed the South was not uneasy without cause. For example, the New York *Herald*, James Gordon Bennett's paper, which claimed, and probably had, the largest daily circulation within New York City, pleaded thus: "Let the honest men of the North reflect that the war which Seward, Helper, Sherman, and the example of John Brown, are preaching, is a war against the lives, homes, and dearest interests of the men of the South, and then ask themselves the question as to what would be their course in case a similar vituperative, aggressive and destructive war were anywhere preached against them."<sup>40</sup> The New Haven *Daily Register*, after showing that great efforts were being made in the North to "create a general unfriendly feeling against the South," continued:

Is it not strange, Reader, that the stability of this Union should be endangered, from no greater cause than a neglect of what is sometimes called "the eleventh commandment," viz: "Mind your own business!" All the trouble grows out of a persistent interference in the slavery question, by people of the free States, who are in no way responsible for its existence, and in no way injured by it! . . . The South makes no attack on our institutions! it does not fail in fulfilling its obligations in the Union! it desires to live with us in peace, minding its own business, and not interfering with ours—if we will permit it! It seems to us the most wilful, the most blind, perverse and foolish conduct, that ever children were guilty of!<sup>41</sup>

<sup>38</sup> See next chapter.

<sup>39</sup> Philadelphia *Dollar Newspaper*, December 7th.

<sup>40</sup> January 21st. For Helper and Sherman, see Chapters II and III.

<sup>41</sup> December 5th, December 13th. Cf. *Columbian Weekly Register*, New Haven, December 24th: "The Hartford *Press* . . . publishes



The opinion of the prominent New York *Journal of Commerce* was similar:

Having roundly abused them [the southerners] for minding their own business and refusing to take our advice, and, by way of convincing them of our sincerity and earnestness, encouraged the stealing of their negroes, and running them off to Canada or harboring them among ourselves, until the Southern people became indignant at the outrage, and threaten, if we do not let them alone, to separate from us, so that they may live in peace and quiet, we now,—i. e., the Abolition and Republican press and people of the North—turn round and charge upon them the evils which threaten the Union, and tell them that if they will only keep quiet while we stir up insurrection at the South, and steal or run off negroes, the Union will be in no danger.<sup>42</sup>

Besides the editors there were numerous defenders of the South. In the national house of representatives, Daniel E. Sickles, a democrat from New York, remarked that "the Confederacy" was in the presence of the most serious danger that had ever menaced it; that the chief danger lay in the North, because there the weapons were made which threatened lives in Southern homes; and that the North was responsible for the existence of a great sectional party which menaced in its consequences, if it did not assail in its platform, the peace and tranquillity of the Union by its representatives proclaiming "war upon one portion of the Confederacy." He thought, however, that the South had vastly overestimated the ill-feeling of the North toward it.<sup>43</sup> Thomas B. Florence, a Pennsylvania democrat, said before the same body that the Southern representatives, in his judgment, were simply repelling aggression; for the

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a list of Southern members of Congress, whom it calls disunionists—from the fact that they say their constituents will not desire to stay in the Union, when they become satisfied the North is determined to withhold from them their constitutional rights, or continue their systematic annoyances on the slavery question! The *Press* pretends to great surprise at such declarations, and would give it the force of opposition to the Union! when, in fact, it is only saying to such journals as the *Press*, 'your infamous conduct, in slandering our people, stealing our negroes, and canonizing John Brown, satisfies us that you will not let us live in peace with the North!' That's all."

<sup>42</sup>This is quoted from the Bangor (Me.) *Daily Union*, December 28th. The opinion of the *Union* was (December 24th) that the people of the South had been "for years outraged in their property and political rights by aggressions of the most aggravating nature."

<sup>43</sup>*Congressional Globe*, December 13th.

South was on the defensive.<sup>44</sup> Similarly, John C. Lee wrote Robert C. Winthrop, from Boston, saying that while he thought the South had become insolent and insulting, yet he believed that it "had a right to complain of our impertinent interference with slavery."<sup>45</sup>

During the latter part of 1859 and the early part of 1860, there was also evident another contention which persisted for more than a year; that is, that those Southerners who advocated the withdrawal of their States from the union were not necessarily as guilty of "disunionism" as those who had driven them to defend this position. "Disunionism is of two characters," said a constitutional unionist: "one, in words and wind, such as we have from 'the political democratic negro,' down South—an annoying, fretting, but harmless Disunionism; and the other, in acts—annoying, fretting, but *not harmless*—such as we have from the North." For example, "The runners of the Underground Railroad, North, are DISUNIONISTS. . . in acts. The contributors of the money for that purpose are DISUNIONISTS. . . The upholders of John Brown. . . are DISUNIONISTS. The aiders of and abettors of treason are traitors, as well as the traitor himself."<sup>46</sup> In answering the question, "Which are the disunionists?" a democrat asserted that the real disunionists were those who proclaimed the war and urged it on, and they were the men to be denounced by patriots, instead of those who said they would not "submit to such trampling upon their rights."<sup>47</sup> The *Utica Observer and Democrat*, after assuring the "calumniators of the South" that the people there were as loyal to the union as any in the nation, and that they would not secede until, exhausted by insult and aggression, forbearance had ceased to be a virtue, went on to say that the disunionists were not those who threatened, if the compact entered into was not observed, to withdraw from the confeder-

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<sup>44</sup> *Ibid.*, December 30th.

<sup>45</sup> February 7th. Winthrop manuscripts, Massachusetts Historical Society.

<sup>46</sup> New York *Evening Express*, January 12th.

<sup>47</sup> Portland (Me.) *Eastern Argus*, December 23rd.

ation; and that if the South should leave, "it might with truth be said it had been *driven out of the Union*."<sup>48</sup>

Although from the adoption of the constitution there had existed among persons throughout the nation a belief in the right of a State to withdraw from its fellows, certainly among a majority of the people for a good many years before 1860 the word "disunionism" had carried a stigma. The effort, therefore, on the part of some persons, to free from the opprobrium of the term those whom they considered in the right, was but natural. Only five days after John Brown was executed, it was declared that in the South open and avowed disunionists had multiplied by hundreds in a fortnight. The chief complaint was that the North, instead of rejoicing that the South had escaped "the perils of a bloody, servile insurrection," expressed sympathy only with "those who came among them to rob and murder;" that in the place of fraternal feeling, they received "from the North only hate, denunciation, and injury;" and so, concluded this writer, the South had decided that a union which was fruitful of such an unfriendly attitude was not worth having.<sup>49</sup> As early as November 19th the Norwich, Conn., *Weekly Aurora* deemed it certain that the Southern people could not bear much longer the pressure that was applied to them; saying they would be cowards if they should continue to submit to the abuse and attacks of persons so encouraged at the North; and that they had a right to demand to be let alone, or they could not be blamed for seceding.

A further justification of disunionism was given by the *Pennsylvanian*—commonly known as the national "Administration organ" of Philadelphia—to the effect that "opposition and hostility to the Union, the laws and the Constitution. . . . commenced and has been fostered in the North. The South has been loyal. . . . But the North has within herself traitors, in-

<sup>48</sup> January 3rd.

<sup>49</sup> Troy (N. Y.) *Daily Whig*, December 7th. The *Whig*, however, held agitators both North and South guilty, but showed at the same time that in the North those who preached "the gospel according to John Brown" rode topmost on the popular wave.



cendiaries, and promoters of riot and anarchy. . . The issue is then with the North."<sup>50</sup> And the same journal said later: "If disunion sentiments have been engendered, if disunion threats have been made. . . the object is plainly, evidently to preserve rights, guard institutions, protect life, and insure peace."<sup>51</sup> In the senate, also, Mr. Bigler, democrat, of Pennsylvania, said that if the South should denounce any Northern law or institution as many Northerners had denounced the South and slavery, the North would perhaps go to even greater lengths in repelling such humiliating interference.<sup>52</sup> And the North was told that the people of the South could not and would not be "compelled to remain parties to a contract in which might overrides right."<sup>53</sup>

There were those in the North, moreover, who were even less restrained in their justification of Southern disunionism. In many parts of New England even there were persons who gave up all thought of apologizing for those whom they conceived to be advocating with justice a withdrawal from the union. "The Southern people are not going to submit to these indignities any longer," proclaimed the Manchester, N. H., Union Democrat on December 27th; "They *are* disunionists, as we should have been long ago, under one half the provocation we have heaped upon them. . . (if the Southern States should secede tomorrow, the judgment of impartial history will justify the act. The blame is not with those who strike, but with those who provoke the blow.)" The Boston Post quoted from a speech made in 1858 by Jefferson Davis before the legislature of Mississippi in which he advised that if an abolitionist be chosen president, Mississippi should provide for her safety outside of a "Union with those *who have already shown the will*, and would have acquired the *power*," to deprive her of her birthright; upon which the Post avowed that "if we loved Mississippi as we love Massachusetts; if our family, our children, our hopes, our everything were all there, as they are all here; if we believed that any polit-

<sup>50</sup> December 5th.

<sup>51</sup> February 10th.

<sup>52</sup> *Congressional Globe*, December 14th.

<sup>53</sup> *Pittsburgh Post*, January 10th.

ical party were in possession of the Federal Government to do what it may well enough be supposed in the South that republicans would do in relation to slave institutions . . . then would we do and say what we have quoted Jefferson Davis as doing and saying."<sup>54</sup> The Portland, Me., *Eastern Argus*, after showing the reasons for the disunionism of Southern members of congress, proclaimed that there was not one republican "possessed of a particle of manhood and the least sense of honor" who, if the case were reversed, would not be a disunionist in the same sense.<sup>55</sup> "We have not a word," it declared, "to say against the position of men, who calmly, deliberately announce that, when they have to choose between subjugation and dishonor in the union on the one hand, and secession from it on the other, they shall choose the latter, we say we have not a word of denunciation for that position, for Heaven knows if the same alternative were presented to us our decision would be the same."<sup>56</sup>

But (should an effort be made on the part of any State to leave the union, and that effort as many believed should result in civil war, what would be the position of those in the North who so stoutly upheld the justice of the Southern cause?) Some of the bolder spirits did not hesitate to voice their opinion. The judgment of one Bostonian was that in such a case the battle would not be between the two sections of the country, but, as hitherto, between opposing forces at the North, and that the "battle-field would be the soil of New England,—not the territory of the South."<sup>57</sup> Just as Northern men and Southern men stood side by side in the struggle which established the union, so, it was said, they would stand again in any struggle "necessary in the maintenance of the rights secured to each member of the Confederacy by it."<sup>58</sup> Ex-President Franklin Pierce wrote Jefferson Davis that he did not believe a disruption of the union could occur without blood, but if fighting must come, it would

<sup>54</sup> December 23rd.

<sup>55</sup> December 19th.

<sup>56</sup> December 23rd.

<sup>57</sup> *Courier*, December 10th and 17th.

<sup>58</sup> *Albany Atlas and Argus*, December 6th.

not be along Mason and Dixon's line merely: ("It will be within our borders, in our own streets. . . . Those who defy law and scout constitutional obligations will, if we ever reach the arbitrament of arms, find occupation enough at home.")<sup>59</sup> And the ["Republican-Abolition party" was warned that a war between the North and South was an impossibility until the democracy of the North was conquered by the sword.<sup>60</sup>]

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<sup>59</sup> Pierce papers, Library of Congress. Also published in Thomas Shepard Goodwin's *Natural History of Secession*, p. 308.

<sup>60</sup> Philadelphia *Pennsylvanian*, November 26th.



## CHAPTER II

### RESPONSIBILITY FOR THE JOHN BROWN RAID AND FOR SOUTHERN SECESSIONISM

Before John Brown made his raid into Virginia, probably not more than fifty persons besides his family and armed followers knew where the blow was to fall, and perhaps not more than a thousand had reason to suspect that he intended to attack slavery by force in any part of the South.<sup>1</sup> It were folly, therefore, to accuse any considerable number of persons of direct complicity in the plot. There was much questioning as to whether the responsibility should be charged to the account of anyone save these few, together with the abolitionists, who, as nobody denied, had for years been preaching a war against slavery to be carried on in any way that might be successful. Edward Everett, candidate for vice-president on the constitutional union ticket in 1860, thought, however, that the attempt on Harper's Ferry was a natural result of the anti-slavery agitation, which had for years been carried on.<sup>2</sup> Some held "Kansas Screechers," Horace Greeley, Henry Ward Beecher "and Company," and "Northern agitators generally" to responsibility.<sup>3</sup> But United States Senator Henry Wilson, a zealous Massachusetts republican, only ten days after the capture of Brown, in a public address in the city of Syracuse, New York, proclaimed that "The Harper's Ferry outbreak was the consequence of the teachings of Republicanism."<sup>4</sup> If all republicans had agreed to Wilson's statement, this chapter would have been unnecessary. The Boston *Courier*,<sup>5</sup> constitutional-unionist, however, arraigned Senator Wilson as an abolitionist, and thought a vast

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<sup>1</sup> Rhodes, *op. cit.*, II, 391.

<sup>2</sup> In a letter to Robert C. Winthrop, November 13, 1859. Winthrop papers, Massachusetts Historical Society.

<sup>3</sup> *E. g.*, *Hartford Post*, October 29th.

<sup>4</sup> Bellows Falls (Vt.) *Argus*, November 10th; *Hartford Weekly Post*, November 12th.

<sup>5</sup> January 7th and 9th.

majority of republicans were by no means accomplices in the insurrection.

But most members of the "opposition" did not pass over the incident so lightly. In the first place, there was the Helper book: *The Impending Crisis of the South: How to Meet It*, written by Hinton Rowan Helper, a native of North Carolina, who had lived in various places outside of that State for some years previous to 1860. The main purpose of the work was to show that slavery was fatal to the interests of the non-slaveholding white men of the South. The facts were in the main correct, but the arguments based on them and especially its recommendations for war upon slavery and slave-holders were in the highest degree offensive to the South. The book was first published in 1857, but it attracted little attention until 1859, when a great impetus was given to its circulation by the written approval of sixty-eight republican members of congress, and numerous other influential men of that party; and thousands of dollars were contributed toward the publication of a compendium of its contents for gratuitous distribution as a republican campaign document. Senator Seward, of New York, and Horace Greeley were two of its most prominent indorsers. Among the statements of the compendium which were most odious to Southerners were (p. 113): "We believe it is, as it ought to be, the desire, the determination, and the destiny of this [the republican] party, to give the death-blow to slavery"; (p. 204) "Not to be an Abolitionist, is to be a willful and diabolical instrument of the devil."<sup>6</sup>

<sup>6</sup> This compendium contained 214 pages. It recommended, in addition: "Ineligibility of Pro-slavery Slaveholders—Never another vote to anyone who advocates the Retention and Perpetuation of Human Slavery. No Co-operation with Pro-slavery Politicians—No Fellowship with them in Religion—No affiliation with them in Society. No Patronage to Pro-slavery Merchants—No Guestship in Slave-waiting Hotels—No Fees to Pro-slavery Lawyers—No Employment of Pro-slavery Physicians—No Audience to Pro-slavery Parsons" (p. 76). [To slaveholders] "Frown, sirs, fret, foam, prepare your weapons, threat, strike, shoot, stab, bring on civil war, dissolve the Union, . . . do what you will, sirs, you can neither foil nor intimidate us; our purpose is as firmly fixed as the eternal pillars of Heaven; we have determined to abolish slavery, and, so help us God, abolish it we will!" (p. 90).

The party program of the republicans emphatically denied any intention of taking aggressive steps against slavery in the States. But, whether they had intended it or not, more than two-thirds of the republican members of the house of representatives had thus sanctioned interference in the domestic affairs of the slave-holding States.<sup>7</sup> The New York *Herald* considered their indorsement "one of the most extraordinary revelations of a revolutionary design on the part of the leading abolitionists and republicans that has ever been brought to light in this country since the treason of Benedict Arnold was detected at 'Tarrytown'; and described the signers, as "traitors to your duty as citizens, false to your oaths as rulers, and regardless of the rights of your brethren as men."<sup>8</sup>

Many held that recommending such a bad book was not less than treason. *The Impending Crisis* was dubbed a "hand-book of treason" in which the South was "doomed to the horrors of civil war, and the slaveholders . . . held up to execration as fit objects for extermination by the 'sword of the Lord and of Gideon.'"<sup>9</sup> It was called a "monstrous document" which recommended "the most treasonable demonstrations against the South."<sup>10</sup> Also, the compendium appeared almost simultaneously with the Brown raid, "as if it had been determined upon to carry its recommendations into immediate

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<sup>7</sup> Many republicans regretted that this had been done. For instance, in a letter written December 21, 1859, to Congressman John Sherman, W. W. Gitt, a New York republican, deplored this means of "spreading discord in the ranks of the party," and believed: "We can elect our candidates without offering any insult to the South." John Sherman manuscripts, Library of Congress.

Von Holst, sternly against slavery and always denying the right to secede, nevertheless says in his *Constitutional and Political History of the United States*, vol. vii, p. 15: "If the North was to be won over to views against the slave-holders in harmony with that [Helper's] tone, it was as inequitable as it was foolish to wish to preserve the Union under the present constitution. Whoever preached hatred of the slave-holders in this way must, in accordance with the requirements of logic, end in demanding the destruction either of the Union or of the constitution."

<sup>8</sup> November 26th.

<sup>9</sup> *Somerset Messenger*, Somerville, N. J., December 8, 1859.

<sup>10</sup> Newport, N. H., *Argus and Spectator*, November 23, 1860.



effect.”<sup>11</sup> Several newspapers agreed, after quoting some of Helper’s most incendiary statements and giving the names of his congressional approvers, that with such an “array of treason against the State,” it was not to be wondered at, that Southerners “should seek that respect out of the Union” which they could not enjoy in it.<sup>12</sup>

Such statements as this last, condoning Southern secessionism because of Northern support to Helper’s suggestions, were by no means infrequent. The *Boston Post*, for example, contended that

The Black Republicans under various names have been engaged for years in an aggressive warfare upon the South and its institutions without a particle of provocation. . . . If the Black Republican members of the present Congress have declared that they will not co-operate with Southern members in doing the business of that body, that they will have no fellowship with them in religion, no affiliation with them in society, it is not surprising that some of the latter should arise in their places and declare that, in the event of a Black Republican president being chosen, the Southern States will concert measures to protect themselves against further aggression. The *real* avowals of disunion, made by members of Congress . . . come from the Black Republican side in the indorsement of Helper.<sup>13</sup>

Circulating “Helper’s book of curses” which charged that slave-holders were “worse than common thieves,” was offered as proof that the very sentiments and principles of the republicans led inevitably to a breaking up of the union.<sup>14</sup> In thus holding it immoral and disgraceful to recognize an institution upheld by the federal constitution, the republicans were denying the principle of the equality of the States, “at the risk of an almost certain dissolution of the Union itself.”<sup>15</sup>

There was an inclination on the part of some leading republicans to defend themselves against attacks made on them because of their having commended the opinions of Helper.

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<sup>11</sup> *Ibid.*

<sup>12</sup> E. g., *Cheshire Republican*, Keene, N. H., December 14th; *Scranton Herald*, quoted by *Republican* same day.

<sup>13</sup> December 22nd.

<sup>14</sup> *Dover (N. H.) Gazette*, February 18, 1860.

<sup>15</sup> Speech by Hon. Robert Tyler, in Bucks County, Pa. Reported in *Pittsburgh Daily Post*, January 11th.

Senator Wilson, one of his most prominent indorsers, declared before the United States senate that he never saw a man who did approve of all the sentiments in the book, and that it was through mistake that the objectionable views of the author were retained in the smaller edition.<sup>16</sup> In the house of representatives, however, John Cochrane, a democrat of New York, showed conclusively that the sixty-eight members had indorsed the entire Helper book and a "copious compend" in addition. It was Mr. Cochrane's opinion, therefore, that those whose names had been signed in approval of the work were largely responsible for events which merely carried out its teachings.<sup>17</sup>

In the judgment of many people throughout the nation, those who were capable of commending doctrines such as Helper's should certainly be classed with the abolitionists, for, indeed, the fiercest opponent of slavery could hardly conceive of more strenuous hostility to that institution than was presented in this book. It was therefore held by the upbraiders of the sixty-eight members of congress and the other public men who had given their approval, that the teachings of republicanism led inevitably to "rank abolitionism," and consequently to a dissolution of the union.<sup>18</sup> Moreover, this conviction was strengthened by the fact that some prominent members of the republican party assumed that there was a "higher law" than the constitution, to be obeyed rather than that latter instrument in case of a clash between the two. Mr. Seward, at this time mentioned more freely than any other man of his party as a "presidential possibility," was a leading advocate of this theory, universally condemned by the democrats and by most other members of the "opposition." Certain it is that there were a great number of republicans whose views on the subject of slavery substantially coincided with those of the abolitionists. [The republicans were not all abolitionists, said an opponent; but the abolitionists were all, or nearly all, republicans. They were

<sup>16</sup> *Congressional Globe*, December 14th.

<sup>17</sup> *Ibid.*, December 20th.

<sup>18</sup> E. g., Monmouth (N. J.) *Democrat*, December 8th.

not all Helpers and John Browns; but the Helpers and John Browns were all, or nearly all, republicans.<sup>19</sup>

Some were inclined even to identify these two parties: "All have heard of a distinction without a difference," said one, "and such a distinction cannot be more aptly illustrated than by the attempts that are made to draw a line between Black Republicans and Abolitionists. The parties are of the same complexion, and their designs are the same."<sup>20</sup> Another said: "The people begin to see that this war upon the South HAS GONE FAR ENOUGH. . . . The people are arousing to the alarming aggressions and terrible doctrines of these Republican-Abolitionists."<sup>21</sup>

By certain members of the two parties themselves further color was given to the claim that they were actuated by similar purposes. The famous anti-slavery enthusiast, Gerrit Smith, for instance, wrote from Peterboro, New York, that the republicans there were nearly all abolitionists.<sup>22</sup> It is not strange, therefore, that in a "John Brown meeting" at Peterboro, presided over by Hon. James Barnett, a republican member of the New York legislature, resolutions should have been passed "unanimously and enthusiastically," advocating a course which was ardently defended by the abolitionists throughout the period under discussion:

*Whereas*, the dissolution of the present imperfect and inglorious Union between the free and slave States would result in the overthrow

<sup>19</sup> *Columbian Weekly Register*, New Haven, December 15, 1860.

<sup>20</sup> *Utica Observer and Democrat*, December 13, 1859. The *Observer* further held that "the treatment of the South by a great party at the North is in violation of all laws of courtesy and kindness; of political and Christian duty; of good faith and constitutional obligation"; and it rebuked the republicans for accusing the Southern States of treason merely for their remonstrance against insult, and for their resulting declaration that if the North would not treat them "as friends and neighbors, members of one common family, bound together by a sacred constitutional compact," they would be compelled to withdraw from all association with the North. For, said the *Observer*, there could be no union between such persons and the people of the South.

<sup>21</sup> *Hartford Daily Times*, February 20th.

<sup>22</sup> To Charles Sumner, July 17, 1860. Sumner papers, Harvard University Library.



of slavery, and the consequent formation of a more perfect and glorious Union without the incubus of slavery; therefore,

*Resolved*, That we invite a free correspondence with the disunionists of the South in order to devise the most suitable way and means to secure the consummation "so devoutly to be wished."<sup>23</sup>

The "opposition" press, moreover, teemed with quotations showing that many persons who, in 1860, were avowedly republicans, had before that date suggested secession as a means of settlement. The Concord, N. H., *Patriot*, for instance, gave<sup>24</sup> with grim pleasure a number like the following:

"There is not a business man anywhere, who, if he had such a partner [as the South], would hesitate to kick him out at once and have done with him."—Benjamin F. Wade, Senator from Ohio.

"Rather than tolerate national slavery as it now exists, let the Union be dissolved at once."—New York *Tribune*.

"If the power of this Union be used to protect slavery, then let the Union slide."—N. P. Banks, Governor of Massachusetts.

As has already been mentioned, however, during the months immediately following the Harper's Ferry incident, the republicans were almost a unit in opposition to the idea of secession. But certain of their opponents were not slow in giving expression to their belief that the change of front on the part of those who had recently seemed to consent to a dissolution of the union was not without motive. The "opposition" was quite free in admitting that the republicans were at this time very generally opposed to disunionism. "No one supposes that the Black Republicans desire to withdraw from the Union," acknowledged one democrat: "Their course is to abuse the South so that it cannot with self-respect stay in the Union, and thus throw the commission of the overt act upon that section." But the South would not be responsible, was the conclusion; for to suppose that the South would "remain with us unless this 'irrepressible' war upon their rights" was stopped, was to expect something

<sup>23</sup> *Pennsylvanian*, January 13th; Norwich (Conn.) *Aurora*, January 14th.

<sup>24</sup> January 25th.

of a partnership of States that would never be presumed of an individual partnership.<sup>25</sup> It was maintained, furthermore, that the South was fully as loyal as the North;<sup>26</sup> that the South longed for peace and quiet; and that if the republican party would abandon the irrepressible conflict, repudiate Helper's book, acknowledge the equality of the States, and stop its "eternal din and clatter" against slavery, quiet would be restored in a moment.<sup>27</sup> The republicans cry out "Treason! Disunion!" and are wonderfully devoted to the union; but suppose the South were stronger than the North and should say to the North, "We will plant slavery in New York and Massachusetts . . . an irrepressible conflict exists between the States. It is our mission to confer upon the benighted North the blessings of slavery." Then suppose the South should arm a band, invade Massachusetts, the South call the invaders brave and noble, and should commend a book urging violent attacks upon the North, "what would the North do under such circumstances? Would she say that the spirit of the Constitution was observed by the South; would she submit . . . or . . . protest against the continuance of the Union upon terms of inferiority and oppression?" The same writer concluded, "If the dark night of disunion ever settles upon this country, the abolitionized Republicans will have to answer for it."<sup>28</sup> The *Providence Post*, too, conceded that

The shrewd Republicans do not threaten disunion or consent to it. They cannot bear the idea of it. They abominate it. And they tell us that disunion shall not be. But how do they propose to avoid it? Why just as some men would avoid a duel. "I call you a liar, a villain, a scoundrel, a coward, a cutthroat; I spit in your face, knock off your hat, steal your coat, insult your wife. But don't talk of a duel to *me*. If you send me a challenge, I will meet you at your door, and blow out your brains." This, if we understand the case, is the *loyalty* of Republicanism. . . . [The South] only says, "You of the North have trampled on our rights; we ask you to desist; and if you do not, we propose to step out, and leave 'the Union' to your own keeping." It seems to us that this is far more honorable, and far more loyal, than the aggressive policy of the Repub-

<sup>25</sup> *Cheshire Republican*, Keene, N. H., November 23rd.

<sup>26</sup> *Philadelphia Dollar Newspaper*, November 16th.

<sup>27</sup> *Harrisburg Patriot and Union*, December 9th.

<sup>28</sup> *Ibid.*, December 19th.

licans, which first robs the South of the benefits of the Union and then threatens it with subjugation.<sup>29</sup>

The very basis of this "Republican abolition party" was war upon the South.<sup>30</sup> If their doctrine meant anything it meant disunion or a subjugation of the South. They might say that if the latter would only succumb to them, there was no need of a misunderstanding between the States; but that could never be. "Hence their strenuous efforts to make the world believe that the burden of disunion" would rest upon the South.<sup>31</sup>

As frequently throughout 1860, Northern defenders of the slave-holding States endeavored to establish their claim that the action of the majority party in the North indicated that the republicans were in fact less opposed to a separation than the South. They showed that in criminal law, it was a well-settled fact that the party assaulted was justified in killing, when, in fear of great bodily harm, he had retreated to the wall: "The reverse of this rule is, however, claimed by the Republicans of the North. They insist upon the right to assault the life of the South in every imaginable way, but deny to her the right of resistance or avoidance, and when absolutely pressed to the wall they say, 'Peace, be still, or our eighteen millions will annihilate you.'"<sup>32</sup> It was then declared that the South had reached that extremity, and that the republicans, fearing the consequences, feigned to believe the South was wrong in order to conceal the cause: "The North, as now represented, is practically . . . in favor of disunion." The point was a simple one: the South, ruthlessly invaded in its rights, and its "very existence put in jeopardy," said it would not submit to the election as president of a well-known advocate of such injustice; "If there is treason or wrong in that, let the Black Republicans make the most of it. In point of fact, *they* are the trait-

<sup>29</sup> November 16th.

<sup>30</sup> Boston *Herald*, December 23rd. The *Herald* claimed on January 3rd to have a circulation more than double that of any other daily in New England.

<sup>31</sup> *Ibid.*

<sup>32</sup> This, and the next sentence, are from the *Pennsylvanian*, January 21st.



ors—the *real* disunionists, who by an unparalleled course of revolutionary and unconstitutional action, are driving the country to disunion and ruin. The thing is too plain to admit of argument.”<sup>33</sup> And the republican members of the house of representatives were proclaimed “fit successors of their progenitors at Hartford.”<sup>34</sup>

It has been stated above that few persons had either direct or indirect knowledge of the incursion into Virginia before that event occurred. But, aside from the causes of Southern discontent already mentioned, to what extent were the tenets of the republicans responsible for the raid? Most adherents of that party did not agree with Senator Wilson that the raid was a direct result of the doctrines taught by them; but opinions on the question may be found expressed by almost any member of the “opposition” press. “The whole tendency of the teachings of the Republican press and orators,” declared one, “has been for years toward insurrection and disunion.”<sup>35</sup> Efforts to implant and cultivate bitter political animosity against slavery could not fail “to incite suggestions of lawless and violent means for its extinction.”<sup>36</sup> The extremes to which the South was being driven in retaliation were the result of “disloyalty to the letter and spirit of the Constitution, so characteristic of the Republican party.”<sup>37</sup>

Few men at the time were so influential as Senator Stephen A. Douglas, of Illinois, who, at the head of the larger faction of the democratic party, was Lincoln’s nearest competitor in the popular vote received in the presidential campaign in 1860. He was not the first to make such a statement as the following, found in his address to the senate on January 23rd:

I have no hesitation in expressing my firm and deliberate conviction that the Harper’s Ferry crime was the natural, logical, inevitable result of the doctrines and teachings of the Republican party, as explained and en-

<sup>33</sup> Norwich (Conn.) *Aurora*, February 4th.

<sup>34</sup> Pittsburgh *Post*, January 25th.

<sup>35</sup> *Republican Farmer*, Bridgeport, Conn., January 13th.

<sup>36</sup> *New Hampshire Argus and Spectator*, Newport, November 11th.

<sup>37</sup> *Harrisburg Patriot and Union*, March 20th.

forced in their platform, their partisan presses, their pamphlets and books, and especially in the speeches of their leaders in and out of Congress.<sup>38</sup>

This bold declaration by the famous senator led many of his admirers to signify their agreement. For instance: "They [republicans] embrace within their party and organization, as a very considerable part thereof, a party who by their teachings, their principles, and their means, incited and aided John Brown in his recent foray into Virginia, and who unite in lamenting his fate as that of a martyr, who died in a righteous and just cause."<sup>39</sup>

Nor were the democrats slow in pointing out which statements made by their opponents were sufficient to incite invasion of the slave-holding States. On the very day that Senator Wilson made the admission in Syracuse, the *New Haven Register* gave more than two columns of quotations from leading republicans and abolitionists showing that Brown was undoubtedly carrying out their dogmas. The *Utica Observer and Democrat* declared that the public must judge how far the republicans were guilty as accessories; for they preached aggressions upon the South as a duty of the whites, and insurrection as a right of the slave. Quotations were then given from Senators Seward, Wade, and Wilson, Representative Burlingame of Massachusetts, George William Curtis, and others, showing that they believed in aggressions upon the South, and were not "abolitionists," but republicans: "With such facts before us, it is undeniable that the disastrous and melancholy attempt at rebellion and insurrection by Ossawatimie Brown and his associates, is the legitimate consequence of the teachings and agitation of the slavery question by the Abolitionists and Republicans for years past."<sup>40</sup> It caused surprise that the moment a man actually commenced to carry out the program and principles of the republicans, some members of the party should denounce him as insane. Statements of republican leaders themselves, given in many papers of the time, "showed conclusively"

<sup>38</sup> *Congressional Globe*.

<sup>39</sup> *Democratic Standard*, Pottsville, Pa., January 28th.

<sup>40</sup> November 1st.

that they were among the "instigators, aiders and abettors of John Brown in his projected scheme."<sup>41</sup>

It is evident therefore that there existed a wide belief in the guilt of a large proportion of the Northern people in helping to incite fanatics to insurrection; and, as has been shown, the echoes of Brown's rifles had hardly died away before there were in all parts of the South suggestions looking toward a withdrawal from the Union. But the foray into Virginia was in itself simply an incident: those who sympathized with the South knew that the reasons for the recent outburst of secessionism were far deeper. A greater cause was the "bitter and intensely malignant hatred which the Republican press and orators" had been continually stirring up "against our Southern brethren."<sup>42</sup> And in a speech before a democratic state convention at Reading, Pennsylvania, Hon. William Montgomery charged his opponents with "waging direct war upon the Southern half of our confederacy," and with treating the national compact with contempt and trampling it under foot.<sup>43</sup>

Another accusation brought against the republican party—and neither party was guiltless of such accusations—was that they would not agree to abide by the decision of the supreme court of the United States in the Dred Scott case, which declared that granting citizenship to negroes, and prohibiting the entrance of slaves into any of the common territories, were unconstitutional. The "opposition" could not see the consistency in republicans proclaiming that they were in favor of the union when they refused to uphold the authorized expounders of its constitution.<sup>44</sup> One party or the other was wrong, it was agreed; and as the court had decided the matter in favor of the South, it became the duty of the North to submit. If they did not, on them would "rest the responsibility of all the disasters" which would surely follow.<sup>45</sup>

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<sup>41</sup> Nashua (N. H.) *Gazette*, November 17th.

<sup>42</sup> *Ibid.*, February 23rd.

<sup>43</sup> Pittsburgh *Post*, March 7th.

<sup>44</sup> Bangor, Me., *Daily Union*, December 26th.

<sup>45</sup> Hartford *Daily Times*, February 7th.



Believing as they did that the slave-holders had been thus imposed upon, many of their friends in the North continued to defend them in maintaining the possible expediency of secession. "We say if the South *has* any constitutional rights," asserted the Burlington (Vt.) *Sentinel*, "that they have been ignored or outraged, by all, or the majority of black republicans, and the South is beginning to wake up to the consequences (of which Harper's Ferry is but the initiation) and to say, 'our rights must be respected, if any we have, or the Union is of no value to us; if we have *no* rights, then of course the Union is not worth our troubling ourselves about!' This is the language of cool, thinking, conservative men."<sup>46</sup> It was admitted that if the union was divided Southern men would do it; but, was the claim, it would be strange if they did not; for "we have black-guarded them for years; we have passed laws nullifying a plain provision of the Constitution;<sup>47</sup> we have sent Old Brown and his confederates to cut their throats; and we are industriously printing and circulating incendiary matter calculated to stimulate more invasions;" hence, for their withdrawal, they "will appeal to the world for justification."<sup>48</sup>

Thus, it may be seen that <sup>in</sup> the North there were many people who endeavored firmly to vindicate what they consid-

<sup>46</sup> December 23rd.

<sup>47</sup> Meaning the clause for the return of fugitive slaves.

<sup>48</sup> *Union Democrat*, Manchester N. H., January 24th. The *Democrat* explained a week later that secessionism was easy and irremediable when either section was ready for it. The *Pittsburgh Post* said again on December 21st that the republican party, "which has attempted, and is attempting, to trample on these [the South's] rights, is wholly responsible for the sentiments of disunion which exist in the South." It then asked another Pittsburgh journal if it expected people to be "vili-fied, abused, have their rights trampled upon, and their persons and property rendered unsafe, and yet maintain relations of 'peace and amity'" with those who outraged all that was dear to them. December 23 it said: "If the South leave the Union, it is because the sectional feeling of the North has driven them therefrom."

The opinion of ex-President Franklin Pierce was analogous. On December 7th he wrote from Concord, N. H., to William Appleton and others, Boston: "Subtle, crafty men, who passing by duties and obligations, habitually appeal to sectional prejudices and passions, by denouncing the institutions and people of the South and thus inflame the Northern mind to the pitch of resistance to the clear provisions of the funda-

ered proper complaints by the South. What was the position of these friends with regard to the probable future course of the Southern States? If their threats should materialize, whose would be the fault? More than a year before the South Carolina ordinance of secession, the *Pennsylvanian* alleged that the policy of the abolitionists was to irritate the Southerners into resistance, forcing them to arm and attempt actual secession, then to use the federal power to coerce them on the plea of preserving the union and of suppressing insurrection and rebellion against the laws; that if abolitionists alone had praised Brown there might be hesitancy in giving voice to fears for the future, but that sixty-eight members of congress indorsed a book which openly warred on slavery everywhere; hence, it questioned whether, if all the Northern States should return republican majorities, the ties binding the two sections together would not be virtually dissolved and disunion pronounced thereby.<sup>49</sup> Several journals agreed: "If disunion ever *does* come, it will be due to the teachings—the agitations—of the New York *Tribune*, and its echoes of the newspaper press of the North."<sup>50</sup> And Senator Bigler, of Pennsylvania, asserted that the republican doctrine of an irrepressible conflict between the institutions of the States, their "constant resistance to the clear constitutional rights of the slave-holding States of the Confederacy,

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mental law—who under plausible pretexts addressed to those prejudices and passions, pass local laws designed to evade constitutional obligations, are really and truly, whether they believe it or not, the men who are hurrying us upon swift destruction." Pierce Papers, Library of Congress.

<sup>49</sup> December 7th and 19th. Similarly, the New York *Herald*, January 12th, thought that the Northern incendiaries had succeeded in nothing but alienating the South from the North, and that if they should continue much longer they would cause "a practical, substantial severance of the Union; rendering the future secession of the Southern States a mere matter of form." The Boston *Post*, December 2nd, declared it was not right to make the South choose between dishonorable submission to fanaticism and opposition by resistance; and added, "If the Union were to be dissolved tomorrow, the South would be the victim of the violation of a public compact by an oppressive majority."

<sup>50</sup> Bellows Falls (Vt.) *Argus*, February 16th; Plattsburg (N. Y.) *Republican*, quoted by St. Albans (Vt.) *Democrat*, March 6th.

and the wanton outrages so frequently perpetrated by them upon the feelings of the people of those States," were perhaps the only means that could possibly produce dissolution.<sup>51</sup>

But through all the condemnation of those who were alleged to have produced the dissension, through the avowals of friendship for the assailed, ran a strong vein of determination to uphold the maxim of Andrew Jackson, "The Union must and shall be preserved." And how should this be done? The undertaking was two-fold: "1st, Against the sectionalism of the republican party; 2nd, Against the disunionism of the Southern States—the product, in a good degree, of that republican sectionalism."<sup>52</sup>

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<sup>51</sup> *Pennsylvanian*, April 9th.

<sup>52</sup> *New York Evening Express*, January 10th.



### CHAPTER III

#### THE POLITICAL CONVENTIONS OF 1860: A BREACH IN THE DEMOCRATIC RANKS

When congress assembled on December 5, 1859, the house of representatives immediately set to work to elect a speaker. Barely less than a majority of the members were republicans; their candidate for speaker was John Sherman, of Ohio, one of the sixty-eight who had indorsed<sup>1</sup> Helper's *Impending Crisis*. The democrats far outnumbered any other faction of the "opposition," but were by no means numerous enough to elect one from their number without the help of the others who opposed republicanism. The nominations were made and balloting began at once, but, as was expected, no candidate could secure enough votes for election. As the republicans had almost a majority, under normal conditions they would have had sufficient votes, aided by a few from the smaller factions, to elect the man of their choice. But the insuperable obstacle to the election of Mr. Sherman was his commendation of a book which advocated the most extreme measures against slavery. An average of about one ballot a day was taken for almost two months without result. Before the end of January, many people in the North began to upbraid the republicans for refusing to permit the election of anyone save a man who had given his indorsement to a work which the Southerners regarded as a violent attack upon their constitutional rights.

The republicans accused the democrats of trying to bring about a dissolution of the union by not allowing a speaker to be elected by the most numerous party. The democratic press rush-

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<sup>1</sup> Sherman showed in the House on January 20th that he did not sign the indorsement in person, but that, without reading the book, he had allowed a friend to attach his name, and indicated clearly that he did not approve of all of the book after reading it. In a letter dated January 16th, his brother, William T. Sherman, soon to become famous in the army, said to him, "I received your letter explaining how you happened to sign for that Helper Book. Of course it was an unfortunate accident." W. T. Sherman Manuscripts, Congressional Library.

ed to the defense of their members, and showed that the democrats could not prevent a choice if they desired, as they were in a decided minority; and at the same time told the republicans of the house that in trying to foist upon that body one of the sixty-eight who had countenanced what many considered a serious affront to the South, they were guilty not only of a "studied *design*," but of a "deliberate overt attempt," to cause the secession of a number of States.<sup>2</sup> The *Cheshire Republican*, (Keene, N. H.), after recounting the familiar charges against the republicans, added:

And then, as if this indignity were not enough, the Republicans have put forward for Speaker in Congress—the third office in the United States—a man who has indorsed with his own hand the very measures carried out by the invaders of Virginia. And they refuse any compromise. The South must take this man, who recommends insurrection and murder, or nobody. . . . It is under these irritating circumstances that Members of Congress from the South declare that *unless they can be protected in their Constitutional rights—that if a party is coming into power that wholly ignores these rights, and recommends an invasion of them—that if this party is determined to thrust upon them a Speaker, as a National representative of their policy, who indorses a forcible overturning of their institutions*—rather than submit to the rule of such a party they will leave the Union and take care of themselves! This is the feeling of the South, and they would be cravens if they possessed any other. This is the disunionism that the Black Republicans talk about as existing at the South. It is a disunionism resulting entirely from their own fanaticism, and disposition to infringe upon the rights of others.<sup>3</sup>

Finally, on February 1st, William Pennington, a New Jersey republican who was not one of the sixty-eight, was chosen speaker on the forty-fourth trial. This long dispute in the national house of representatives crystallized antagonism between the parties, and caused the presidential nominations to be awaited with more intense interest.

The democratic party had much reason to believe that the nominee of their convention, which was to meet at Charleston, South Carolina, late in April, would be successful in the November election. This hope was partly justified by the favorable

<sup>2</sup> *E. g.*, Reading (Pa.) *Gazette and Democrat*, January 28th.

<sup>3</sup> January 25th. The Pottsville (Pa.) *Democratic Standard*, on the 28th, contained an editorial quite similar to this one.

local elections from Maine to Pennsylvania in the spring of 1860; though it was also evident that they could not win without a contest bitterly fought. The two leading parties were as hostile toward each other as political factions could well be, while the feeling between the North and the South was still more pronounced. Between the latter in the houses of congress there were "no relations not absolutely indispensable for the conduct of joint business," wrote Senator J. H. Hammond, of South Carolina, just before the meeting at Charleston. "No two nations on earth are or ever were more distinctly separate and hostile than we are," he remarked in the same letter.<sup>4</sup>

Denunciation of their opponents by the press on both sides, though lessened in volume, was by no means at an end. The question of slavery was agitated so rigorously by the republicans that it led one writer to say, "It is very evident that the breaking-up of the Union is the real aim and object of the anti-slavery party, and that nothing could so disappoint them as the settlement of the slavery question;"<sup>5</sup> and another declared that the "Blacks" knew the South loved the union, but as they were determined to trample on its rights, in order "to cover up their iniquity and hide their corruption," they were crying through the land that it was "the South, *the South*," that was "doing the mischief—hallooing, 'Thief, thief!' with each a stolen negro under his cloak!"<sup>6</sup> Without a recognition of slavery by the constitution there could have been no union, and now if the North should persist in its course, it would "throw off the South from any further constitutional obligations."<sup>7</sup>

The members of the "opposition" did not deny that they disapproved of the "sectionalism" of certain Southerners; though they commonly added some such statement as, "But truth and candor compel us to hold Northern fanaticism. . . respon-

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<sup>4</sup>J. B. McMaster, *History of the People of the United States*, vol. viii, p. 446.

<sup>5</sup>New York *Herald*, February 24th.

<sup>6</sup>"An Old Jeffersonian," in the *Cheshire Republican*, Keene, N. H., March 7th.

<sup>7</sup>New Haven *Register*, February 25th.



sible for all its fearful consequences.”<sup>8</sup> Senator Wigfall’s statement that he thought “nothing better could occur than a dissolution of the Union,” induced the Boston *Courier* to state, “So thinks Mr. Wendell Phillips. It is a comfort to find there are fools in Texas as well as in Massachusetts.”<sup>9</sup>

As may be inferred from what has been said, each political party would certainly uphold its principles through the approaching contest in the strongest possible manner. Although Senator Seward of New York was generally believed by republicans to be the man most likely to receive the nomination at their Chicago convention, the powerful New York *Tribune* threw its strength against him, and many weaker journals followed in its train. The adherents of Senator Douglas were firm in their censure of the Lecomptonites for trying to put forward a candidate who should uphold the doctrine of congressional intervention in behalf of slavery, the anti-Lecompton faction maintaining by their “popular sovereignty” theory that the territories should decide for themselves whether or not they should have slavery. The Lecompton democrats were by no means agreed as to whom they should put forward. The abolitionists made no nomination in 1860. The constitutional-unionists, who won to themselves the more numerous element of the old Whig party, nominated John Bell of Tennessee for president and Edward Everett of Massachusetts for vice-president.

The first national convention to assemble was the democratic, at Charleston, South Carolina, April 23rd. It had long been obvious that Senator Douglas would be among the leaders in the popular estimation of the convention. It was assumed by many, both democrats and republicans, that he was to be the nominee. The fact that some republicans made this assumption and seemed to manifest a desire for his nomination led certain of his democratic opponents to contend that this was conclusive proof that he was not the man for the time; for “The Black leaders certainly would not desire his nomination if they believed him to be

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<sup>8</sup> *Pennsylvanian*, March 26th.

<sup>9</sup> March 24th.

the most formidable candidate that could be put in the field against them."<sup>10</sup>

It was known that the platform upon which his supporters would endeavor to secure his nomination would be in substance the same at that upon which Mr. Buchanan had been nominated in 1856 at Cincinnati, upholding "popular sovereignty." But during Buchanan's administration, the Dred Scott decision had been rendered, sustaining the position of the Lecompton faction, namely, that it was unconstitutional for congress to legislate against the introduction of slaves into any territory. Hence the South was anxious to take advantage of this supreme court decision in its favor, and incorporate the essence of it into the democratic platform. This effort found many approvers at the North, and as early as February 18th the *New York Weekly Day-Book* prophesied "an inglorious and overwhelming defeat" for the democracy if they should resort to the "compromising, double-dealing and popular sovereignty dodges;" and further, on March 17th, asserted that if the Charleston convention should place the question openly and fairly before the Northern people and the party should meet defeat, the South might then, if it thought the danger was pressing, "refuse to recognize an anti-slavery executive." "Again, on April 7th, the same newspaper, after striving to show that the Dred Scott decision fully justified the Lecompton position, reminded its readers that Virginia gave the Northwest Territory to freedom, and that the non-slave States secured most of the Louisiana Purchase and all of California. It was not unjust, therefore, for the South to protest against being shut out from the common territory still remaining. Even an article in the *Savannah Republican* from which the following is an extract was characterized<sup>11</sup> in the North as "in the highest degree discriminating and just": "*The South*," said the republicans, "*is resolved, firmly and unalterably, and by*

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<sup>10</sup> *New Hampshire Gazette*, Portsmouth, April 21st.

<sup>11</sup> By the *Boston Courier*, March 7th. The article in the *Republican*, however, expressed the conviction that the North was not so bitter against the South as was represented, and that the slavery agitation was largely by politicians for personal gain.

*the unanimous voice of all her citizens, never to submit to another Federal discrimination against her on account of her institution of slavery."*

When the convention assembled it was quickly seen that the main fight was to center around the adoption of a platform. Of the committee on resolutions, seventeen of the thirty-three members were opposed to the position of Douglas, and, instead of agreeing upon a platform, the committee presented majority and minority reports. The majority declared that a territorial legislature had no power to abolish slavery in a territory; the minority practically reaffirmed the Cincinnati platform, but stated in addition that the democratic party was pledged to abide by the Dred Scott decision, as it had been boldly asserted by Douglas that this decision and his "popular sovereignty" doctrine were entirely consistent. His claim was that although by the dictum of the court the right of the master to his slave in a territory could not, under the guarantees of the constitution, be divested or alienated by an act of congress, it necessarily remained a barren right unless it should be protected by local legislation; or, in other words, that if the legislature of the territory should oppose slavery, a law of congress would avail nothing. The Douglas platform, however, was adopted by a vote of 165 to 138, whereupon the delegation from all of the Gulf States, together with those from South Carolina and Arkansas, formally withdrew from the convention, protesting against its action. By a rule of the convention two-thirds of the whole electoral vote was necessary to nominate. Several times Douglas received more than a majority of the total vote but never the required two-thirds. As it was manifestly impossible to reach any result, the remaining delegates adjourned on May 3rd to meet in Baltimore the 18th of June. The "seceders" meanwhile had formed themselves into a convention, but now terminated their proceedings by a resolution to meet again at Richmond on the second Monday in June.<sup>12</sup>

Before the meeting at Charleston the democratic factions had

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<sup>12</sup> Based largely on Rhodes.



been so thoroughly occupied with assailing the common enemy that they had found little time to quarrel among themselves; but, from the beginning of the sessions of the convention, dissensions within the party were much in evidence. Some declared they would support no candidate but Douglas unless some one not already prominently named should be nominated.<sup>13</sup> Others who had proclaimed their intention to support any person chosen at Charleston, veered strongly to the side of Douglas, and pronounced those who prevented his nomination to be a "rule or ruin" faction.<sup>14</sup> Immediately after the adjournment the partisans of Douglas mightily rebuked the "seceders," declared that no other democrat could win, and said that by his nomination a complete victory was assured.

The importance of this convention for our purpose is chiefly that it was the entering wedge alienating the Southern democrats from those who had stood with them at the North. The Southern "bolters" were spoken of by some Northern democrats as undoubtedly designing to "destroy the Union."<sup>15</sup> It was urged that a majority of the democrats should not permit themselves to be thwarted by a "factional minority,"<sup>16</sup> and the demands of the "seceders" were called "preposterous and absurd."<sup>17</sup> The Newport, R. I., *Advertiser*, which on May 3rd showed that the South had "often yielded to Northern pressure for the sake of peace and good neighborhood," and that every compromise into which the South had entered had "resulted in a sacrifice without an available equivalent," just a week later classed the "irritated secessionists of the South" with the "fanatical nullifiers of the North," holding that they agreed in nothing else than the destruction of the government. And there was rejoicing that the Southern "disunionists," even though aided by certain Northern "demagogues," were not able to defeat the "wishes of the people."<sup>18</sup>

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<sup>13</sup> *E. g.*, Philadelphia *Press*, April 30th.

<sup>14</sup> *E. g.*, *Luzer Union*, Wilkes-Barre, Pa., April 25th, May 2nd.

<sup>15</sup> *E. g.*, Pittsburgh *Post*, May 9th and 17th.

<sup>16</sup> Rochester *Union and Advertiser*, May 7th.

<sup>17</sup> Utica *Observer and Democrat*, May 8th.

<sup>18</sup> Boston *Herald*, May 5th.

The "seceders" were accused of "eating their own words" by repudiating the Cincinnati platform. Other forms of complaint made against those who withdrew were, that by demanding the intervention of congress in the territories they were committing themselves to the doctrine of the republican party itself;<sup>19</sup> and that certain Southern leaders had long desired a Southern confederacy anyway, and that this was an auspicious time for the culmination of the plan. This plea was based largely upon a letter written some time before by William L. Yancey, of Alabama, in which he said, "At the proper moment, by one organized concerted action, we can precipitate the cotton States into a revolution." The separation of a portion of the Southern delegates would have claimed more consideration and sympathy if Yancey had not been a leader of the movement.<sup>20</sup>

Still another argument, which, however, was made much more freely eight months later, was that, although the democrats of the North had long stood by the South in its fight for the maintenance of its just claims, now when their common opponent was in a majority in many States, certain enthusiastic Southerners asked more than should properly be granted. While it was conceded that the "Southern delegates at Charleston. . . believed not only that they were right, but that the safety of their institutions and the integrity of their principles were involved and could only be preserved by the course they adopted," their action was criticised as "strangely inconsistent, ungrateful and unjust, as well as suicidal."<sup>21</sup> The democracy of the North "had sacrificed much," but as the republicans had already won the house of representatives and might win the senate and the executive also, if Southern leaders should turn their backs upon their Northern friends, the sacrifice would be vain.<sup>22</sup> After the nomination had been made the latter part of June,<sup>23</sup> the Manchester, N. H., *Union Democrat*, admitting that its politi-

<sup>19</sup> Nashua (N. H.) *Gazette*, May 10th.

<sup>20</sup> Reading (Pa.) *Gazette and Democrat*, May 12th.

<sup>21</sup> Providence *Post*, May 2nd.

<sup>22</sup> *Ibid.*, May 9th.

<sup>23</sup> *Infra*, pp.

cal sympathies were "almost wholly with the South," and that it believed the people of that section had never asked more than they were clearly entitled to until the meeting of the Charleston convention, declared that if the South could appreciate the "blind fanaticism, the unreasoning prejudice, and the knavish demagoguery" its Northern well-wishers had been forced to encounter, even though the protection of slavery in the territories might be constitutional, the South would not press a "theory" which so menaced the democracy of the North.<sup>24</sup> Some members of the "opposition," while considering the South the injured party, were convinced that the feeling between that section and its Northern friends had been changed; and that if the "interventionists" should fail and should attempt a dissolution of the union, it would not be permitted.<sup>25</sup>

A few democrats did not at this time take a firm stand on either side of the controversy,<sup>26</sup> but most of those who did not support Douglas were ready to defend the "seceders." The convention had barely begun its sessions before it was announced that the voting down in committee of the Cincinnati platform at Charleston showed that the Southern elements were "determined to have a clear issue on the slavery question, as distinct as that which the black republicans" had adopted in their fraternization, and which was, in fact, the one great issue before the people.<sup>27</sup> On May 4th, the day after the convention adjourned, there was much commendation of the stand made by the Southern democrats.<sup>28</sup> For the South to present an unbroken column in de-

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<sup>24</sup> July 3rd.

<sup>25</sup> Providence *Post*, June 29th.

<sup>26</sup> The Harrisburg *Patriot and Union*, for instance, while manifesting no bitterness, merely hoped, May 4th, that the South would elect a more moderate set of delegates next time.

<sup>27</sup> New York *Herald*, April 26th.

<sup>28</sup> The Hartford *Times*, for instance, held it not at all unreasonable to accept the proposition of the Tennessee delegates to add to the Cincinnati platform a resolution to the effect that the rights of neither person nor property of any citizen of the United States could be destroyed or impaired by Congressional or Territorial legislation." On the 10th, the *Times* deemed the demands of the South not unjust to the people of any portion of the union; for they did not ask the North to take either a candidate offensive to them, or else nobody; but they did ask



fense of its constitutional rights was said to be the only way to stem the waves of anti-slaveryism; and it was soon asserted that the position of the "seceders" was "absolutely essential. . . to the safety, order and prosperity of Southern society;" and that the people of the South must have the same benefits from the government as the people of the North, or the union "must be . . . and should be overthrown."<sup>29</sup>

The *New Hampshire Gazette*, Portsmouth, said:

The position of the South is right. Indeed, we do not see how anyone not inherently an Abolitionist can take a different view of the subject.

The whole question is very simple, and embraced in a small compass. The public Territories are common property, purchased by the common blood or common treasure of the nation. As such the North and South have equal rights in them while they remain in the territorial condition. This the Supreme Court has clearly affirmed, and this, and simply this, the Southern representatives in the Convention asked to have plainly avowed in the platform.<sup>30</sup>

We have seen that Bell and Everett were selected as the candidates of the constitutional union party. The nomination occurred on May 10th. Their newspaper supporters were not numerous, but among them were some of much prominence.<sup>31</sup>

The republican convention at Chicago was organized on May 16th. In the East, the universal belief was that Seward would

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that the North should not force an offensive candidate upon them: "It is of no great consequence to Vermont and Massachusetts, and eight or ten other States, who the candidate is. They will go Black Republican anyway."

<sup>29</sup> New York *Weekly Day-Book*, May 5th and 26th.

<sup>30</sup> May 12th. The Concord, N. H., *Democratic Standard*, May 19th, was glad that Southern senators had indicated that the South was resolved to stand upon the position taken at Charleston; for "this is the true and only policy which the South can pursue. . . . Her claim is undoubtedly right and just, and cannot be denied without a violation of the true spirit of the compact of Union and an outrage upon justice. She can take nothing less without the sacrifice of both her rights and her honor." But, said the *Standard*, her battle must be fought "*in the Union*. Then she will have friends and supporters, and, if need be, swords and bayonets in every State of the North, to fight her battle."

<sup>31</sup> *E. g.*, the New York *Evening Express*, which on March 29th said that tens of thousands "never Democrats, and never wishing to be," knew not where to go or what to do, after the names of these nominees were announced supported them with vigor, holding that all other parties were "sectional"; the Boston *Courier*, declaring on April 2nd that

be nominated, and when, among others, the wires mentioned Lincoln, New England, especially, could scarcely believe he would be a serious contender. It knew little of his stalwart worth and discerning intellect, though everywhere those who knew him were convinced of his honesty of purpose. When he was nominated on the 18th the republicans of the West were wild with delight, while those of the East tried to make the best of what most of them regarded a poor selection. A few democrats knew more about the republican candidate than some of his own supporters knew. The Boston *Herald*, for instance, considered the nomination in many respects strong and difficult to defeat: "Those who flatter themselves that the Democrats are to walk over the Presidential course with ease will find themselves mistaken."<sup>32</sup> But most of the "opposition" were sincere in deriding the nomination, agreeing that it was a "blunder and a fatal one."<sup>33</sup> Lincoln's views were said to be "as extreme and ultra as any Sewardite or Abolitionist" could desire; and it was feared that because he was honest and sincere, he would be more likely to carry his extreme views into effect.<sup>34</sup> If he should be elected, the train would be laid "to consummate a project of which Harper's Ferry was only a faint prelude."<sup>35</sup>

When the Baltimore convention assembled on June 18th the Richmond meeting had already adjourned to await its action. After wrangling for several days, the Baltimore group split again and more delegates withdrew, joining those who had ad-

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the "basis of the [constitutional union] party is devotion to the Constitution and the Union, and consequently, opposition to Republicanism," on May 11th accorded Bell and Everett the highest praise; the Troy *Whig* on the same day greeted the nomination with "honest admiration," adding, "Here was indeed a *National Convention*—the first and last of the year."

<sup>32</sup> May 19th.

<sup>33</sup> The Utica *Observer and Democrat* called it "the most extraordinary nomination ever made . . . the result fills the [republican] party with ill-concealed disappointment and resentment, and destroys its last hope of success." Substantially the same opinion was expressed by the Dover, N. H., *Gazette*, May 26th, with the proviso, "If Mr. Douglas is nominated by the Democracy."

<sup>34</sup> Harrisburg *Patriot and Union*, May 19th and 30th.

<sup>35</sup> *Ulster Republican*, Kingston, N. Y., May 30th.

journed from Richmond. The supporters of each side grew violent in their mutual denunciations, while some sought to steer between the two factions, or vented their spleen against the republicans. It was charged that a nomination made by either the "regulars" or the "secessionists" would partake more of a sectional than a national character.<sup>36</sup>

As far back as January, the vice-president of the United States, John C. Breckinridge, of Kentucky, had been suggested as the next president.<sup>37</sup> The convention of the "seceders" adopted the Southern platform and nominated Breckinridge as Buchanan's successor. After the withdrawal from the original Baltimore meeting, the remaining delegates nominated Douglas with but thirteen dissenting votes. "The Democrat party is destroyed," commented the New York *Herald*; "There is not the remotest visible ghost of a contingency for a reunion of the belligerent elements of this revolutionary convention." The *Herald* then predicted defeat and disgrace for its party, and presumed that the republican leaders were "parceling out the offices and spoils of the next administration."<sup>38</sup>

The democratic party was now thoroughly disorganized. The assaults of its two branches upon each other were quickly renewed. Some of the Douglas adherents, however, showed no animus toward the other wing, conceding that Breckinridge was a "gallant and popular man;" but they supported Douglas because he was the nominee of the "original, or regular" convention.<sup>39</sup> Other Douglas supporters were almost as severe as the republicans in attacking those who sided with Breckinridge, declaring that the Baltimore secession was a "piece of humbuggery;" that its ultimate object was a dissolution of the union; that those who supported Breckinridge had gone out of the democratic party; and that it was just as bad to vote for Breckin-

<sup>36</sup> Buffalo *Evening Post*, June 23rd.

<sup>37</sup> *E. g.*, by the Pottsville (Pa.) *Democratic Standard*, January 14th.

<sup>38</sup> New York *Herald*, June 22nd and 25th.

<sup>39</sup> *E. g.*, Hartford *Times*, June 25th. The *Times* later supported Breckinridge.



ridge as for Lincoln, for, "in either case, Lincoln wins."<sup>40</sup> Some used even stronger language, speaking of the "abettors of treason against the Union, who marched out of the Convention," and believing Mr. Breckinridge "too sound a Democrat ever to accept such a nomination."<sup>41</sup> And a Douglas ratification meeting held at Faneuil Hall, Boston, resolved, "That we are opposed to agitators and disunionists at the North—and secessionists and disunionists at the South."<sup>42</sup>

Those who determined to aid Breckinridge gave as their reason that his was the only platform which guaranteed to each State its full privileges, and that his standard recognized the constitutional rights of all the people and States of the union—a platform national and not sectional—the only platform which was truly national.<sup>43</sup> This faction was milder in its opposition to the Douglas followers than the latter toward their former comrades.

With the democracy thus divided, it was almost universally admitted that the next president could not be from that party, though a few of the more optimistic ventured to claim eventual success for their respective candidates. Besides the republicans, the only persons who seemed to derive joy from the split in the democratic ranks were the constitutional-unionists, who thought that the situation offered every encouragement "to arouse the spirits and waken the energies" of their party.<sup>44</sup>

Various possible solutions of the predicament in which the democrats found themselves were offered. A number deemed the unconditional withdrawal of both the Breckinridge and Douglas tickets the most practicable and successful arrange-

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<sup>40</sup> The quotations are from the *Providence Post*, June 27th.

<sup>41</sup> *E. g.*, *Pittsburgh Post*, June 25th and 26th.

<sup>42</sup> *Boston Herald*, June 30th.

<sup>43</sup> *E. g.*, Concord (N. H.) *Democratic Standard*, June 30th. The Norristown (Pa.) *Register*, June 26th, sought to justify itself in supporting Breckinridge by declaring his election was the surest way to defeat the "treasonable doctrines" of the Chicago convention.

<sup>44</sup> *Boston Courier*, June 25th. The *Troy Whig* (same date) was persuaded that this party would carry a number of states.

ment that could be made.<sup>45</sup> Another suggestion was that the easiest way to end the conflict was by a "dissolution of the Confederacy."<sup>46</sup> But the greatest number sought to remedy the difficulty by a union of the two democratic factions. Innumerable editorials to this effect appeared within a week of the nominations, showing that it would be worse than nonsense to run two electoral tickets.

For the time being, at least, there seemed to be one bright spot in the turmoil of party strife. All of the presidential candidates and practically all of their supporters were now loud in their expressions of attachment to the union. This led at least one editor to assure the country that it might rest easy as to the future of the United States.<sup>47</sup> During the past winter disunionists were numerous, but with the "irrepressible conflict" inside the democratic party the nation was stronger than ever, and all hands were fighting to stay united.<sup>48</sup> It was insisted that the "perils of the Union" bugbear had served its purpose. The government was never so safe as now: and with everybody resisting the charge of disunion as a grievous calumny, it might be hoped that the union would "go over to another century at least."<sup>49</sup>

<sup>45</sup> E. g., *Hartford Times*, June 28th.

<sup>46</sup> Letter from John Mitchel, *New York Irish-American*, June 30th.

<sup>47</sup> *Philadelphia Dollar Newspaper*, July 4th.

<sup>48</sup> *New York Herald*, June 30th.

<sup>49</sup> *New York Evening Post*, June 30th.

## CHAPTER IV

### BEFORE THE ELECTION OF LINCOLN

Among the reasons offered as to why the country should rest in peace with reference to the future was that "a taste of the fat things of public place" should "operate as soothingly upon the radicalism of the Republicans" as it had often done upon their opponents; and in this case the South would have no cause to secede.<sup>1</sup> The New York *World* quoted each of the four presidential candidates, showing that they were all thorough-going union men and always had been.<sup>2</sup> Breckinridge, the one most commonly accused of being a "disunion" candidate, was reported as saying: "Instead of breaking up the Union, we intend to strengthen and to lengthen it." So the *World* thought that for the nation to tear itself into pieces was an absolute impossibility.) If the statements of the candidates were true, although each of four parties talked and acted as though the salvation of the government depended upon its own success, the country would be safe, whoever was elected.<sup>3</sup>

Shortly after the Baltimore conventions, however, Senator Sumner had made a speech in the United States senate on the "Barbarism of Slavery," parts of which one of his republican colleagues pronounced "harsh, vindictive, and slightly brutal."<sup>4</sup> July 11th he delivered a lecture in the same tone at Cooper Institute, New York, which was characterized next day as "calculated to exasperate the South."<sup>5</sup> A young congressman from South Carolina, Lawrence M. Keitt, published a "somewhat bombastic disunion letter" in the Charleston *Mercury* in reply

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<sup>1</sup> Philadelphia *Public Ledger*, June 25th.

<sup>2</sup> June 27th.

<sup>3</sup> Pittsburgh *Post*, July 21st.

<sup>4</sup> Rhodes, vol. ii, p. 477.

<sup>5</sup> This lecture seems to have encouraged some Northern democrats. For instance, in the Pierce papers, Congressional Library, is a letter from "H. Fuller, New York Hotel, dated July 12th, which says, "there is no possibility of defeating Lincoln—unless the . . . Democracy unite, or unless Sumner's violence produces a reaction."



to such attacks on Southern institutions; and the battle was on again. A few days after Keitt's letter was published the *World* still saw no reason to retract any part of the congratulations indulged in on the apparent oneness of sentiment as to the value of the union, as it believed Keitt would wield no more influence at the South than Wendell Phillips and other prominent disunionists at the North.<sup>6</sup> But there was another element in the situation: nothing had resulted from the suggestions for democratic fusion, without which a republican triumph was almost certain.<sup>7</sup>

The Douglas adherents now began to suggest that Breckinridge should resign his candidacy.<sup>8</sup> The reasons for such suggestions were several. Favorite charges were, that the upholders of Breckinridge had repudiated the principles—"popular sovereignty" especially—upon which he had been elected vice-president in 1856;<sup>9</sup> that he was the representative of Yancey and the disunionists;<sup>10</sup> that some of the Charleston "seceders" preferred a disruption of the convention with an ulterior view to a dissolution of the union;<sup>11</sup> and that the real object of the Breckinridge movement was, in fact, to defeat Douglas, elect Lincoln, and so pave the way for a Southern confederacy.<sup>12</sup> Some Northern democrats were even less moderate in their assaults, adding to the term "disunionists" such expressions as "frauds," "renegades," and "betrayers."<sup>13</sup>

The friends of Breckinridge came vigorously to the rescue. Their chief efforts were made in attempting to show that their candidate was not a disunionist. They branded such accusa-

<sup>6</sup> July 25th.

<sup>7</sup> New York *Times*, July 25th.

<sup>8</sup> E. g., Wilkes-Barre *Luzerne Union*, August 1st; Providence *Post*, August 11th; Nashua (N. H.) *Gazette*, August 23rd.

<sup>9</sup> New York *Irish-American*, August 11th; Manchester (N. H.) *Union Democrat*, September 25th.

<sup>10</sup> Utica *Observer and Democrat*, July 10th.

<sup>11</sup> Albany *Atlas and Argus*, July 30th.

<sup>12</sup> Suffolk *Democrat*, Babylon, L. I., August 10th.

<sup>13</sup> Hartford *Weekly Post*, August 18th; Vermont *Patriot*, Montpelier, July 21st; Boston *Herald*, October 23rd.

tions as "preposterous"<sup>14</sup> and "malicious."<sup>15</sup> The Breckinridge faction did not deny, however, that certain persons who advocated a possible withdrawal from the union stood with them in the presidential contest; but they made the counter-charge that many prominent disunionists sided with Douglas, and asserted that there would be no disunionism anywhere if everybody could secure justice in the union.<sup>16</sup> They further insisted that the very reason for their desire to elect Breckinridge was to prevent disunion.<sup>17</sup>

Some of this faction, in addition to claiming that there were secessionists in the opposing wing of the democracy, held that the "sectionalism" of Douglas was almost as pronounced as that of Lincoln himself, because an overwhelming majority of the people in one-half of the nation considered him well-nigh as dangerous as a republican would be.<sup>18</sup> They declared that his partisans were responsible for the disruption and probable defeat of the democratic party.<sup>19</sup> The chief argument against him by his democratic opponents was as follows: "It is the duty of the

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<sup>14</sup> Boston *Press and Post* (semi-weekly edition of the *Post*), August 6th.

<sup>15</sup> *Republican Farmer*, Bridgeport, Conn., October 19th. A number of journals which did not support Breckinridge denied charges of disloyalty imputed to him. *E. g.*, Boston *Courier*, September 8th: "No candid person could imagine Mr. Breckinridge himself to entertain any views inconsistent with true and generous patriotism"; New York *World*, September 7th: "No candid man, if intelligent, has ever for a moment distrusted Mr. Breckinridge's loyalty to the Union."

<sup>16</sup> *E. g.*, *Pennsylvanian*, August 10th; Norristown, Pa., *Register*, August 21st.

<sup>17</sup> *E. g.*, *Pennsylvanian*, August 28th.

<sup>18</sup> Concord (N. H.) *Democratic Standard*, July 21st. The editor of this paper, Edmund Burke, was—according to the Dover, N. H., *Gazette*, November 3rd—"actually the head and front—the father—of . . . the Breckinridge party in New Hampshire." The *Granite State Monthly* (Concord), for March, 1880, has an article on Burke which shows he was a native of Vermont, was a prominent member of congress from New Hampshire for several terms, and that in the national democratic convention of 1852 the choice of Franklin Pierce as democratic candidate was due more largely to him than to any other individual. For correspondence between Burke and Pierce in 1852, just before and just after the nomination of the latter, see *American Historical Review*, Vol. X, 110-122.

<sup>19</sup> Concord, N. H., *Democratic Standard*, August 11th.

Government to *protect* all property. . . the Constitution recognizes slaves as property. The Government officers, then, must protect the citizen in holding his property;" but Mr. Douglas holds that the territorial authority may take precedence over that of the nation; therefore Mr. Breckinridge and his friends sustain the doctrine of the government, while Mr. Douglas does not.<sup>20</sup>

The Douglas men, however, were as zealous in defending their favorite as in assailing others. Some of them had but little disposition to complain at the "few democrats" who refused to take a stand for the Illinois senator.<sup>21</sup> Others considered his chances so much superior to those of Breckinridge that this fact perhaps inclined them toward moderation. "A careful survey of the field," said one paper, "indicates that Mr. Douglas' prospects of an election by the people are comparatively certain."<sup>22</sup>

But most of the "opposition" agreed that without some sort of union of the two factions the success of Lincoln was assured. The constitutional-unionists were convinced that all those who opposed Lincoln should unite on John Bell; the Douglas and Breckinridge adherents of course preferred uniting on their respective candidates; but not all the members of any faction approved of fusion on any other condition. Within a few days after the conventions, there were meetings in various places held for the purpose of ratifying the nominations, and at some of these gatherings disturbances occurred at which indignities were offered to one or the other candidate, intensifying the hostility, rendering fusion more difficult if not impossible.

Not a great many of the Douglas branch of the democrats were willing to unite.<sup>23</sup> Most of them declared they would not join forces with "Yanceyites,"<sup>24</sup> "seceders," "nullifiers." Others,

<sup>20</sup> Hartford Times, August 25th.

<sup>21</sup> E. g., Cheshire Republican, Keene, N. H., July 11th.

<sup>22</sup> Utica Observer and Democrat, July 31st.

<sup>23</sup> Exceptions were, the Norwich (Conn.) Aurora and the Newport (R. I.) Advertiser, the Albany Times, desiring union, claimed political independence, though leaned decidedly toward Douglas.

<sup>24</sup> See e. g., Rochester Union and Advertiser, September 7th.



while avowing their intention to do all in their power to defeat Lincoln, announced that their policy would be precisely the same toward Breckinridge, displaying greater energy, perhaps, against the latter.<sup>25</sup> Yancey was branded as "the American Catiline;"<sup>26</sup> and Douglas himself opposed compromise with "those who had bolted the nominations." In a speech at Erie, Pennsylvania, he said, "Lincoln and Breckinridge might fuse, for they agree in principle; I can never fuse with either of them, because I differ from both."<sup>27</sup>

Realizing their weakness at the North, the followers of Breckinridge there were almost unanimous in favor of a union. Several newspapers, which seemed really to prefer Breckinridge from the first, waited for some weeks before taking a direct stand for him, hoping that the breach would be closed in the meantime.<sup>28</sup> A very few, however, of his most strongly pro-Southern supporters were for a time inclined to scout the idea of uniting the factions.<sup>29</sup>

Little was accomplished by the advocates of fusion. In four States, Rhode Island, New York, Pennsylvania, and New Jersey, arrangements were made by which all democrats might vote a union ticket, but, although it aroused some hope for a time, the scheme amounted to nothing except in New Jersey.<sup>30</sup> The method of the fusionists was commonly a gentlemen's agreement that if it appeared that Douglas would win in a State electoral college, then the fusionist electors of that State were to vote for him, but for Breckinridge if it appeared that he was to be the winner. In New Jersey it seems that the Douglas sup-

<sup>25</sup> *E. g.*, Dover (N. H.) *Gazette*, August 4th.

<sup>26</sup> Worcester (Mass.) *Daily Times*, October 4th.

<sup>27</sup> *New York Tribune*, October 3rd.

<sup>28</sup> The *New Haven Register* for instance, which did not declare for Breckinridge until August 31st, pleaded for union well into October. The course of the *Hartford Times* and of the *New London, Conn., Daily Star* was much the same. The *Hudson County Democrat* (Hoboken, N. J.), though preferring Breckinridge, never took a definite stand until fusion was assured.

<sup>29</sup> *E. g.*, the *Day Book* on July 14th declared "the National Democracy need no union or compromise with the followers of Mr. Douglas."

<sup>30</sup> See *Harrisburg Patriot and Union*, September 4th; *Ulster Republican* (Kingston, N. Y.), October 10th.

porters voted for their own three men on the fusion ticket, but refused to vote for the four representing the other parties in the agreement. The result in that State was three electoral votes for Douglas and four for Lincoln.<sup>31</sup>

It has been shown that the charge of disunionism was frequently made against the adherents of Breckinridge, but that during the weeks immediately after the nominations at Baltimore few persons were found to advocate a separation. From that time throughout the period preceding the presidential election, a part of the republican press was given to ridiculing the idea of secession as a hoax. Even in July, on the eleventh of the month, the *Tribune* dubbed the threats of a dissolution "as audacious a humbug as Mormonism, as preposterous a delusion as Millerism." And only four days before the election the New York *Evening Post* continued in the same strain, giving as its reason the weakness of the South: "Without any intention to disparage the bravery or the loyalty of our Southern brethren, we do not hesitate to express our belief that the little State of Connecticut could sell the secession States the arms and equipments they would require in case of disunion, and then send armed men enough down to take them back again without exhausting her resources as much as one year of independence would exhaust the seceders."

In the period preceding the election, the question of coercion was broached again. There was no lack of persons who considered seceders as traitors,<sup>32</sup> and who advised that Keitt's "gasconade of secession" should not be taken seriously; for if South Carolina should "undertake to repeat in 1861 the tantrums of 1833," she would be "treated as she was then—kindly but firmly."<sup>33</sup> A number of Douglas papers pronounced the coercion of a State proper and constitutional,<sup>34</sup> although a part of the same

<sup>31</sup> E. D. Fite, *The Presidential Campaign of 1860*, pp. 223 and 233.

<sup>32</sup> E. g., *Providence Evening Press*, October 27th; *Woonsocket Patriot*, November 2nd.

<sup>33</sup> *Tribune*, July 25th.

<sup>34</sup> E. g., *Philadelphia Press*, October 1st.

papers admitted that resistance was probably a matter of self-preservation with the South.<sup>35</sup>

On the other hand, a few republicans at that time preferred to see the South withdraw without opposition, rather than resort to war.<sup>36</sup> For the government to allow this would be extra-constitutional; but, if they are bent upon it, "Let them go," said one editor, "unharmed, unwhipt, unhung; and joy go with them, if this be possible. Were a single State or a dozen States to secede, with the approbation of their people, we see no better way than to suspend at once all federal laws within their jurisdiction, and put them on the footing of most favored foreign nations.<sup>37</sup> Even the *Tribune*, giving up for the time its policy of force, on November 2nd assured the South that

Whenever any considerable section of this Union shall really insist on getting out, we shall insist that they be allowed to go . . . so let there be no more babble as to the ability of the Cotton States to whip the North. If they will fight, they must hunt up some other enemy, for we are not going to fight them. If they insist on staying in the Union they must of course obey its laws; but if the *People* (not the swashy politicians) of the Cotton States shall ever deliberately vote themselves out of the Union, we shall be in favor of letting them go in peace.

The next day Editor Greeley commented as follows on a recent argument by Charles O'Connor:

Proving the right of secession on the part of the South, he [O'Connor] goes on to justify her, and declares that if she does secede she should be permitted to do so. On this point, at least, we are happy to agree with him, and when she goes we shall be happy to reprint the letter as presenting a sensible view on that branch of the subject.

Some of the above statements were perhaps made with the belief that the South was insincere in its avowals of a probable disunion, or that only the politicians favored it, and that they could not carry the people with them. For instance, at a republican meeting in Middletown, New York, State Senator Henry B. Stanton said that the "fire-eaters" had never meant what they threatened, and that they would not have dared to execute their threats, even if they had been in earnest.<sup>38</sup> The opinion was

<sup>35</sup> *E. g.*, *Pittsburgh Post*, October 18th.

<sup>36</sup> *E. g.*, *Philadelphia Daily News*, August 20th.

<sup>37</sup> *Watchman and State Journal*, Montpelier, Vt., November 2nd.

<sup>38</sup> October 12th. Reported in *Tribune*, October 17th.



often expressed that the purpose of disunion talk was merely to win votes,<sup>40</sup> or that it was only the periodical clamor of demagogues of both sections.<sup>41</sup>

One of the most plausible reasons why certain people in the North did not believe that there would be an attempt at secession was that just before the election the charge of disunion was commonly repelled by all the political divisions. According to the *New York Weekly Journal of Commerce*, there was no one who, on being confronted with the charge, did not avow "the most peaceful and friendly disposition."<sup>42</sup> Even the Breckinridge men showed "a good deal of sensitiveness at the charge of being a disunion party."<sup>43</sup> Therefore the country was believed to be "perfectly safe" after the election.<sup>44</sup> Assurances were plentiful during September and October that no one need be solicitous about the safety of the country after November 6th, for then the talk of not submitting to a republican president would wane and die.<sup>45</sup> Some persons, in fact, held that the only thing necessary to quiet the South was the election of a republican president.<sup>46</sup>

But others were not so sure that an era of peace would begin early in November, and some business men were very naturally tired of having their business go awry periodically on account of political troubles. They were anxious to put the question to a final test. If a convulsion was probable, it was high

<sup>40</sup> See *e. g.*, *Germantown (Pa.) Telegraph*, October 31st; *Worcester (Mass.) Palladium*, October 31st; *New York Daily Advertiser*, November 1st.

<sup>41</sup> *E. g.*, *New York Shipping and Commercial List*, October 20th.

<sup>42</sup> September 20th.

<sup>43</sup> *Tribune*, October 30th.

<sup>44</sup> *New York Shipping and Commercial List*, October 13th. The *Boston Transcript* (October 22nd) did not believe the South "would act except at the bidding of a palpable grievance"—which it had not, said the *Transcript*.

<sup>45</sup> *E. g.*, *New York World*, August 13th and 28th; *New York Evening Post*, October 31st and preceding dates; *St. Albans, Vt., Messenger*, November 1st; *Philadelphia Daily News*, November 2nd; *Atlantic Monthly*, October, 1860, p. 501; *Springfield, Mass., Republican*, November 3rd.

<sup>46</sup> *E. g.*, *Worcester Palladium*, October 31st; *Kingston, N. Y., Democratic Journal*, same date.

time the experiment was made so as to settle the question once for all.<sup>47</sup>

From the beginning of the canvass little doubt had existed on the part of the republican managers that their candidate would carry all the more important Northern States but Pennsylvania and Indiana. After these two States had gone republican by large majorities in their contests for governors in October, the "opposition" was well-nigh unanimous in admitting that Lincoln would be elected President the next month. When it was thus evident that what they had so long regarded as a possible disaster was actually upon them, appeals were made to the South not to take any precipitate steps. It was acknowledged that the times looked "somewhat ominous of trouble ahead," but it was insisted that propositions for disunion were premature: first, because Lincoln could not be otherwise than cautious; second, the best interests of the South might be preserved in the union.<sup>48</sup> The people of the North could not justify a dissolution, some of the democrats asserted, until all constitution barriers were swept away.<sup>49</sup> A policy of delay, at least, was asked by the *Harrisburg Patriot and Union*; for, it asserted, the election itself of Lincoln would not justify secession; but if he should attempt to put into practice the "irrepressible conflict which he . . . declared," it would then be for the States whose rights were assailed to determine how far they would submit.<sup>50</sup> If the South

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<sup>47</sup> Speech by Hon. Thomas Williams, at Pittsburgh, September 29th, in *The Negro in American Politics*, pp. 29-30, pamphlet in Columbia University Library. Similarly, Germantown, Pa., *Telegraph*, October 31st; *Providence Journal*, November 6th; *Boston Journal*, November 6th.

<sup>48</sup> *Philadelphia Public Ledger*, October 18th, November 6th.

<sup>49</sup> *Columbian Weekly Register*, New Haven, November 3rd; but after this statement it added, that the idea of using force to keep them in the union was preposterous. Cf. *Hartford Times*, October 27th: "Secession . . . is not now essential to the preservation of the rights of the South"; *Boston Courier*, November 25th: "The election of any person whatever" affords no "cause for other than Constitutional opposition to his administration." The *Providence Post*, November 1st, contended that secession should not be demanded and could not be allowed.

<sup>50</sup> *Harrisburg Patriot and Union*, September 22nd.

would wait a year or so, it would see that Lincoln could not carry out his program.<sup>51</sup>

But we have said that although the Breckinridge followers were more commonly accused of disunionism than any other group, they and all the other parties repelled the charge. Nevertheless, it is true that leading men in the South were outspoken in upholding the expediency of secession in case Lincoln should be elected.<sup>52</sup> This was not denied by their Northern friends, who admitted that these Southerners wanted the union dissolved if a republican should be president. Why then, it was asked, was the charge of disunionism repudiated by the Breckinridge faction, to which most of these Southern men belonged? Because, was a reply,

no man, or set of men, are disunionists, who contend for Constitutional rights. Those who wish to override the Constitution and the laws are the disunionists. There are some of the Southern people who threaten resistance, in case they are denied their plain and just rights. They say they will resist an infraction of the Constitution, by which it is sought to degrade them; but this does not make them disunionists, for all they ask is their rights.<sup>53</sup>

Such Southerners could not properly be classed as disunionists when Northern leaders declared there was a "higher law" than the constitution, and squared their action accordingly; for the "inevitable result must be, either the triumph in the end of those who abide by the Constitution, or of those who repudiate it. If

<sup>51</sup> *Ibid.*, October 22nd.

<sup>52</sup> Even at this, it was claimed by the *Providence Post*, October 30th, —and the *Post* was among those journals which were determined there should be no secession—that "During Mr. Polk's administration . . . more disunionism was preached in New England in three weeks than has been preached in the South in the last three months"; also, that as late as 1854, great meetings in Providence and other Northern cities said that the repeal of the Missouri Compromise would justify dissolution.

<sup>53</sup> Concord (N. H.) *Democratic Standard*, October 20th. The Manchester (N. H.) *Union Democrat*, October 30th and November 6th, gave as reasons why the slave-holding States wanted to secede: "There is a 'conflict' against them which is 'irrepressible.' We do not expect the slavery controversy to cease while the Union continues. We know it will not—they know it will not"; the whole course of the republicans "is insulting and aggressive. . . . Our Southern friends feel it to be so, and know it will continue so."



the latter succeed, then it is useless to blind our eyes to the fact that a REVOLUTION is at hand—the TREATY between the two sections of the Union is CANCELLED.”<sup>54</sup>

In some cases the North as a whole was blamed for estranging the South from the union. There was complaint because “the Northern people sold the slaves which they and the British people imported from Africa,” and then, “after pocketing the money,” they turned around and denied “the title of the purchasers.”<sup>55</sup> The trial of the South from Northern aggressions, it was said, were “far more aggravating than all that the colonies ever endured from England,<sup>56</sup> and ten-fold more than any people in Europe would endure from equals;” the men of the North “would themselves resist a tithe of such offenses.”<sup>57</sup>

It was more usual, however, for the “opposition” to restrict their attacks to the republicans. It was “simply absurd to say that disunionism” was “confined to Southern fire-eaters,” contended one Douglas supporter; for “Northern sectionalism, as manifested by the Black Republican party” was as hostile to the union, in fact and in purpose, as Southern sectionalism was or ever had been. And there was this difference between the two, which was “greatly against the former”: Lincoln and his supporters were not complaining of wrongs done to them at their own homes and firesides; but, continued the writer, they

claim the right to make a code of laws for the South, not only in the States, but in the Territories, which shall control or prohibit slavery. Now, Yancey and Keitt and the worst of that class, do not propose any reform in the internal laws of the free States—they do not presume to tell us how we shall treat our apprentices or workmen, or how much we shall pay them for their labor—they do not prescribe for us any new regulations about our property nor anything of the kind. They are acting purely on the defensive against Lincoln, and Fred Douglass, and Seward, and Giddings, and all the rest who “revere the memory of John Brown, of Ossawatimie!”<sup>57a</sup>

James W. Gerard, a prominent New York lawyer, in a speech

<sup>54</sup> *Troy Daily Whig*, November 5th.

<sup>55</sup> *Pennsylvanian*, October 18th.

<sup>56</sup> Similarly, *Jersey City American Standard*, November 3rd.

<sup>57</sup> *Pennsylvanian*, October 19th.

<sup>57a</sup> *Pittsburgh Post*, October 10th.

at Cooper Institute, compared the republican party abusing the South to a husband thrashing his wife, "morning, noon and night. She applies for a divorce, and the husband says, 'I don't want to be separated from my wife. I only want to control her in her domestic relations.'"<sup>58</sup> The attitude and aims of the party were referred to as subversive of the constitution of the country<sup>59</sup> and of "our present organized Union of sovereign States."<sup>60</sup>

The Southern people, however, were naturally irritated by these "constant goadings" and felt that they would rather go out of the union than support an administration whose principles were at war with their rights. But if the nation should come to an end in that way, it would be due to the "insidious work" of republican "sappers and miners" who had done so much to "shake the pillars of the edifice" that sustained the republic.<sup>61</sup> This "war to the knife" against the South was "a policy so flagrantly at variance with the spirit of the Constitution, and so destructive of the very idea of a confederation of States, that the party adopting it" was "entitled to be considered the party of disunion and revolution with more justice than the most rabid secessionist of the South."<sup>62</sup>

The republicans had never carried a national election. If Lincoln should be elected, what results might reasonably be expected to follow? Senator Wilson had declared that if his party should "take possession of the government," their power would

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<sup>58</sup> New York *Weekly Day-Book*, October 13th. Mr. Gerard was a grandfather of our recent ambassador to Germany.

<sup>59</sup> Letter in Portland, Me., *Eastern Argus*, written anonymously at Gorham, Maine.

<sup>60</sup> Troy *Whig*, October 26th. On October 23rd, the *Whig* said that the only reason the South wanted to secede was that it was robbed of its rights in the union; and on November 6th: "Every Republican speech, every Republican journal attacks the South. . . . Our Southern brethren are 'slave drivers,' 'men stealers,' 'an oligarchy,'—no epithets are too bad for them."

<sup>61</sup> Speech of Col. J. W. Wall, at Beverly, New Jersey; reported in Newark *Evening Journal*, October 30th. Even in June (28th) the Brooklyn *Eagle* had declared the objects of the Republican party were to "defy the Constitution, goad the South to resistance, and break up the federal compact."

<sup>62</sup> New York *Herald*, September 29th.

be so used that slavery should "not exist on this continent."<sup>63</sup> Unless they betrayed the masses who supported them, said the *Providence Post*, it would not be difficult, accordingly, to determine what they would do if they held the reins of government. It added:

They would appoint none but enemies of slavery to office. They would withdraw all that protection of slavery which the South now derives from the federal government. They would insist that the United States mail should be used in disregard of the local laws of the States. They would prohibit slavery in the Territories and in the District of Columbia. They would stand as a wall of fire against the admission of any more slave States. They would repeal the fugitive slave law. They would change the Supreme Court. They would bring the powers of the federal government to bear upon slavery in the States, at least so far as to greatly increase the dangers and disadvantages which now surround that institution. They would, in short, pursue such a course as would almost instantly unite the South against the General Government, and make a separation of the States the only remedy for civil war.<sup>64</sup>

Sooner or later, the South would be "insulted and attacked in her sacred rights in the institution upon which her prosperity, her very subsistence" depended,<sup>65</sup> and would be forcibly deprived of rights held under the constitution.<sup>66</sup> Thus the value of the Southerners' property would be reduced, their means of living diminished, and their very lives be put "in no questionable jeopardy."<sup>67</sup> Moreover, they would be virtually excluded from any real connection or sympathy with the government of the country."<sup>68</sup>

Nobody accused the North of wanting to secede. One reason why it did not, as presented by Colonel James W. Wall, in a speech at Beverly, New Jersey, was that no Northern States had any provocation to do so; for no one could show where the South had "ever attempted to infringe upon a single guaranteed Constitutional right of the North. But the Congressional page" was "blistered all over with just such attempts by the North against the South."<sup>69</sup> The republicans did not threaten

<sup>63</sup> *Weekly Journal of Commerce*, October 18th.

<sup>64</sup> October 24th.

<sup>65</sup> *Pennsylvanian*, July 23rd.

<sup>66</sup> *Boston Courier*, November 2nd.

<sup>67</sup> *Ibid.*

<sup>68</sup> *Utica, N. Y., Observer and Democrat*, October 27th.

<sup>69</sup> Reported in *Newark Evening Journal*, October 30th.



to secede, showed an opponent: "*They only desire to subjugate the South,*"<sup>70</sup> and "to destroy," another added, "if resistance is offered, men of their own race . . . If the South can by secession, escape the doom threatened . . . would it be strange if they should do so?"<sup>71</sup> The indignation of the South was, therefore, pronounced just, and of a kind which honest men could not condemn;<sup>72</sup> for the Southerners saw that "to submit quietly" to the "gross assumptions and insults" of the republicans "would leave them little better than a conquered people."<sup>73</sup>

The result of the local elections—the republican victory in Pennsylvania, for instance—was held as equivalent to an edict by the North to the effect that after the victory was completed "the Southern States must either submit or array themselves against the Union."<sup>74</sup> If the republicans should attempt to carry into action the principles openly avowed by "the itinerant orators and demagogues of the party," no other alternative would be left for the South "but a base, ignominious surrender of their constitutional rights as coequal States or secession from the Union."<sup>75</sup> Caleb Cushing, of Massachusetts, brigadier-general during the Mexican war, and attorney-general in President Pierce's cabinet—declared that the Southerners would not "passively submit to be conquered subjects of New England." If they did, "they would be recreant to the blood of Washington, of Henry, of Carroll, of Rutledge; they would be unworthy of the name of Americans."<sup>76</sup> They were not a "set of poltroons" who would "tamely submit to any outrage" that might

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<sup>70</sup> Providence Post, September 8th.

<sup>71</sup> Pittsburgh Post, October 30th.

<sup>72</sup> Pennsylvanian, October 23rd.

<sup>73</sup> Troy Whig, October 30th.

<sup>74</sup> Pittsburgh Post, October 12th.

<sup>75</sup> "Citizens of Maine," writing in *Weekly Journal of Commerce*, October 25th. Similarly, the *Buffalo Daily Republic*, October 27th: "The events or contingencies which would warrant a Southern or Northern State in going out of the Union are numberless, and many of them are likely to be inaugurated should the country ever be cursed by a Lincoln Administration."

<sup>76</sup> From an address at Tremont Temple, Boston. Reported in *Weekly Day-Book*, October 6th.

be perpetrated upon them.<sup>77</sup> The coming election, moreover, might prove that the South, having lost all confidence "in a North insensible alike to the sanctity of the Constitution and the warnings of loving but wronged brethren," would avoid the threatened evil in the only way it could be done—by secession.<sup>78</sup> And the New York *Herald* thought the moment of Southern "submission or secession" was near at hand.<sup>79</sup>

But to what extent would the South be justified in attempting to forestall such blows as so many of those who lived in the North predicted? As far back as August, a New Englander held that "the inauguration of Lincoln would inevitably lead to an attempt to destroy the system of labor existing at the South," believing that the Southern planters might "not await in quiet the blow now being aimed at their lives and fortunes."<sup>80</sup> Shortly afterwards, W. B. Lawrence, former governor of Rhode Island, wrote Governor Sprague of the same state, that if a republican were elected "with the avowed intention of creating a servile war" and doing the other things which the "opposition" averred that the republicans would do, "no humane man could object to their anticipating the fatal blow, not only by refusing obedience to the federal authorities, but by even invoking—as did our ancestors of the Revolution—foreign aid."<sup>81</sup> It was time for the Southerners to take measures for self-defense when they saw the aggressive strides of a party whose leaders had indorsed a book which proposed to put weapons into the hands of their slaves, and which made "a virtue of assassination."<sup>82</sup> Nor was it to be expected that people who had been stigmatized as "worse than cut-throats and villains" would "submit to every-

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<sup>77</sup> *Democratic Standard*, Concord, N. H., October 27th. The *Cheshire Republican*, Keene, N. H., October 31st, was not surprised that some Southerners talked of resistance: "We think they feel and act just as any other section would feel and act with such threats continually meeting them through the pulpit and press."

<sup>78</sup> *Pennsylvanian*, October 16th.

<sup>79</sup> October 13th.

<sup>80</sup> Newport, R. I., *Advertiser*, August 29th.

<sup>81</sup> New York *Herald*, October 6th.

<sup>82</sup> Albany *Times*, October 20th.

thing.”<sup>83</sup> If the situation were to be reversed, and a president should be elected under whom no Northern man, “without dishonor, could accept a place in the administration of the government . . . the blood of Bunker Hill would be aroused,” and there would be “not only threats but their execution.”<sup>84</sup> And another writer in Rhode Island proclaimed that if a policy were about to be imposed on the voters of that State, the possible tendency of which was to “subject their property to destruction, and their wives and daughters to horrors, to which death itself would be infinitely preferable,” they would not quietly wait for an overt act, but would bestir themselves before the evil was consummated past all remedy.<sup>85</sup>

Thus, we see that the outburst of secessionism in the South immediately after the John Brown raid was condemned by most republicans, but extenuated by most persons opposing republicanism; that the democrats and constitutional-unionists held republican teachings—and especially the indorsement of Helper’s book—largely responsible for the raid, and for disunionism in the South; that republican insistence on the election of Sherman for speaker of the house, although Sherman had commended *The Impending Crisis*, was considered by the democrats as a further insult to the slave-holders; that the refusal of most Southern democrats to accept in 1860 their party platform of 1856 led to a split in the democratic party which practically insured the election of Lincoln; and that many Northerners declared the South would be justified in refusing to await an “overt act” at the hands of the republicans. This was the beginning of a permanent breach in the democratic ranks, which was healed to some extent late in 1860, but widened after South Carolina’s secession ordinance, and again after the firing on Fort Sumter.

<sup>83</sup> Norristown, Pa., *Register*, November 6th.

<sup>84</sup> *Luzerne Union*, Wilkes-Barre, Pa., October 31st.

<sup>85</sup> *Newport Advertiser*, October 31st.





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